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HISTORY OF ENGLAND

FROM THE

ACCESSION OF JAMES I.

TO

THE OUTBREAK OF THE CIVIL WAR

1603–1642

BY

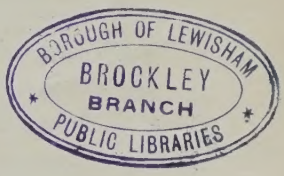
SAMUEL R. GARDINER, D.C.L., LL.D.

FELLOW OF MERTON COLLEGE, OXFORD, ETC.

IN TEN VOLUMES

VOL. VIII.

1635–1639



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HISTORY OF ENGLAND.

CHAPTER LXXV.

IRELAND UNDER ST. JOHN AND FALKLAND.

For seven years, from 1615 to 1622, Sir Oliver St. John ruled Ireland. In the main, he walked in the steps of Chichester. In Wexford, Leitrim, Longford, Westmeath, and in other parts, advantage was taken of some defect in the title by which, according to English law, the owners of the soil held their property, to convert the old loose Irish tenures into heritable freeholds. In one respect these plantations differed for the better from the Ulster settlement. Care was taken that three-fourths of the land to be divided should come into the hands of natives, and that a quarter only should be assigned to British undertakers. Yet even if the Government were animated by the best intentions—and there is every reason to believe that its intentions were good—the system which it adopted was one which must necessarily have entailed considerable hardships on the original inhabitants of the land.

1615. St. John's government of Ireland.

Fresh plantations.

The mode in which the Government acted will be best understood by the single example of the Wexford plantation, which was commenced under Chichester and carried to completion by his successor. In the northern part of Wexford there were several septs which claimed the land as their inheritance by Irish tenure. These septs, after some delay, had claimed the benefit of a procla-

1610. State of Wexford.

mation issued early in James's reign, and had surrendered their lands to the King, in the expectation that they would receive them back, to be held by English tenure. Unfortunately for them, this arrangement was never carried out. Someone discovered that the surrender had been made after the time prefixed by the proclamation had elapsed; and before any steps were taken to remedy the mistake, Chichester was informed that the legal title to the whole district was in reality vested in the King. An Irish chief, it was said, had made over the land to Richard II. That sovereign had granted it to Lord Beaumont, whose heir, Lord Lovel, had been attainted in the reign of Henry VII. According to English law, therefore, the land forfeited by Lovel's treason had come back to the Crown.[1]

The suggestion that this new discovery might be used to effect a plantation in the county of Wexford was not one which Chichester was likely to neglect. He did not, indeed, intend to thrust the Irish from their lands. He meant that they should live on them as before, safe under English guardianship, and prospering in well-being and civilisation. To the Celtic tribesman the chicanery of the lawyers was the too certain portent of evil to come. He knew that Dublin swarmed with adventurers who had crossed St. George's Channel to repair their broken fortunes, and he was filled with a well-grounded suspicion of the English-speaking speculator, who was able to take every possible advantage of legal forms, and was skilled in all the arts by which a neighbour's landmark might be removed without open illegality.[2] Even with the best prospect before him the Celt was not likely to be very eager to embrace the advantages

[1] Report of the Commissioners, Nov. 12, 1613, *Irish Cal.* iv. 786.

[2] "Alii aliis vexantur modis. Si cuivis tituli vestigium vel tenuissimum ex reconditis archiviis, vel publicis scriniis aut tabulariis (de quibus nulla mentio per multas annorum centurias fando audita fuit) jam tandem actuariorum fraude, dolo, vel avaritiâ in lucem producatur; si qua proscriptionis plagula (quæ tamen obductâ postmodum cicatrice, et medelâ adhibitâ sanari potuit, et, si regesta accuratè evolvantur, monumentis commendata reperiri queant) illa vel minima vulneris umbra detegitur, enodatur, exprimitur; miserique nepotes premuntur, nudantur, spoliantur, et ex optimis territoriis ablegantur, vel ex dominis, heris, ac heredibus, deveniunt servorum servi et novorum mancipia dominorum." T. N. (*i.e.* Bishop Roth) *Analecta Sacra*, (ed. 1616), p. 188.

offered by a plantation. The old system of tenure, with all its faults, was familiar to him; and the old life, with its wild outbursts of animal spirits, its joyous disregard of the decencies of civilised existence, was hard to shake off.

In 1611 Chichester's plan for the settlement of Wexford was drawn up, and Sir Lawrence Esmond and Sir Edward Fisher were sent into the district to survey the lands to be divided, the extent of which was about 61,000 acres.[1] In making their report the Commissioners stated that some 15,000 acres were already held by legal tenure, and that 24,000 acres were to be set apart for natives of English or Irish descent whose lives in some way conformed to the English standard, leaving 22,000 to be bestowed upon strangers, who were expected to build fortified houses or castles for the maintenance of order in the country.[2]

1611. Plan for the plantation of Wexford.

It soon became evident that the proceedings of the Commissioners were not regarded with approbation by the Irish population. Some fifty persons, indeed, who were already large landed proprietors, and who therefore had good reason to expect that their submission would be reckoned to their advantage when the division was made, gave their adhesion to the scheme. The remainder of the population, consisting of about 14,500 men, women, and children, of whom about 3,500 would be grown-up men, was almost without exception opposed to it.

It would indeed have been strange if it had been otherwise. Not only were 22,000 acres, or nearly half the divisible land, set apart for strange colonists, but the claims of those who in some way or other possessed freehold rights, were treated with contempt. Of this class there were, according to native calculation, 667, and even the English acknowledged the existence of 440. Of the whole of this number no more than 57 were to receive lands in freehold, in compensation for those of which they were to be deprived, whilst of these only 21 were to retain the houses which they previously occupied. The remainder, on the plea that the amount of land

Reason of the Irish opposition.

[1] The amount is given in another paper (*Irish Cal.* iv. 781) as 66,800, probably including other lands not divisible.

[2] Report, *Irish Cal.* iv. 255.

which they held was too small to entitle them to consideration, were to be evicted from their possessions, though they were to be compensated by receiving farms on leases for years or lives from the new proprietors. As for the tribal rights of some 3,000 Irishmen, who had no claim to possess land in freehold at all, they were entirely ignored. It is no wonder that the Commissioners found it expedient to terrify the people into acquiescence by asserting that the King, if he pleased, might seize the property of all who had taken part in recent acts of rebellion, and that they fortified their assertion by empannelling a jury, which at once proceeded to the attainder of 185 persons. After this they were able to explain any manifestation of adverse feeling by the misinformation which certain lawyers had spread amongst the natives for their own selfish ends.[1]

The next step to be taken by the Government was to summon a jury at Wexford to find the King's title. The jury, however, proved recalcitrant, and declared against the Crown. The jury was summoned before the Exchequer at Dublin, and it then appeared that, of the sixteen of which it was composed, eleven—some, if not all of them being closely connected by blood with Sir Lawrence Esmond, who was one of the Commissioners and principal undertakers in the plantation[2]—were ready to do as the Government wished. The other five were sent to prison and, finally, censured—that is to say, in all probability, fined—in the Castle Chamber. The eleven were then reinforced by others, some at least of whom had an interest in the proposed plantation, and by the new jury thus composed a title was found for the Crown.[3]

Dec. 4. A jury refuses to find for the King.

For some time, however, little or nothing was done to carry this finding into effect. Chichester had probably too much on his hands during the session of the Parliament which met in 1613, and at the time of his recall in 1615 he left the Wexford plantation to his successor.

Scarcely had Chichester left Ireland when Sir Edward Fisher and others, of whom William Parsons, the speculator

[1] Petition of R. M'Damore and others. May (?) 1616, *Irish Cal.* v. 248.
[2] Report on the Wexford Plantation, Sept. 1611, *ibid.* iv. 255.
[3] Report of Commissioners, Nov. 12, 1613, *ibid.* iv. 781.

in Irish lands, was one, preferred a bill in the Exchequer against the inhabitants of a portion of the district, claiming the land as their own in virtue of a patent from the Crown. Before the native proprietors had time to answer, Fisher obtained the service of a body of soldiers and ejected them from their homes.[1]

1616. March. Claim of Fisher and others.

It was probably in consequence of the representations made by the injured persons to the new Lord Deputy that a fresh survey of the lands was ordered. When it was finally completed, the scandalous arrangement by which nearly half of the divisible land had been reserved for the undertakers was frustrated, and provision was made for restricting the strangers to the fourth part which had been originally intended for them. In this way freeholds were provided for eighty more Irishmen, who naturally expressed their warm satisfaction with their unexpected good fortune.[2] Nothing, however, was done for the remaining population. Many of the ejected took refuge in the hills, and led the life of outlaws, robbing where they could. From a statement made by St. John in 1619, that three hundred of them had been killed or hanged in the course of three years, it is evident that they must have been exceedingly numerous.[3] Many of them were, no doubt, as St. John alleged, younger sons having no means of life because they were too proud to work; but it is highly probable that the numbers of the outlaws were swollen by dissatisfied peasants, whose old habits of life were compulsorily changed, and who resented, whether they had been small freeholders or not, the offer of the position of tenants in exchange for their original independence.

1618. A new survey completed.

In the eyes of St. John no harm whatever had been done. A few of the dispossessed natives made their way to London, where some were arrested and transported to Virginia. Those who returned to Ireland were joined in Dublin by 200 of their fellows, where they reiterated their complaints and where they were at once committed to prison.

1620. St. John satisfied.

[1] Petition of M'Damore and others, May (?) 1616, *Irish Cal.* v. 248.

[2] Deewra to —— (?), March 3, 1618, *ibid.* v. 399.

[3] St. John to the English Council, Sept. 29, 1619, *ibid.* v. 582.

As far as material prosperity was concerned Wexford was no doubt the better for the change.[1] As in Ulster, houses and castles were built, and for those who were excluded from freehold tenure there were farms to be held at long leases, or labourer's work with some certainty of employment. On the other side of the account was the irritation caused by the denial of rights long held sacred, and the sense of insecurity which always follows when the mass of the people believes that its Government is actuated by motives which it is unable to connect with its own ideas of justice.

State of Wexford.

It was impossible for any Lord Deputy to ignore the estrangement between the governors and the governed which naturally resulted from the attempt of English statesmen to lift a whole race to a higher stage of civilisation by a violent severance of the bonds which united the living generation to its predecessor. No Lord Deputy, however, unless he was capable of throwing off the ideas of his time, could be expected to act otherwise than as St. John had acted, or to content himself with a more gradual process of improvement, based upon a recognition of Irish sentiment, at least as a foundation upon which to work.

Difficulties of the English Government.

To the English official the Irish feeling about religion was as contemptible as the Irish land-system, though it was far more difficult to deal with. It was not only rooted in a sentiment which he regarded as grossly superstitious, but it gave strength to a priesthood the influence of which was politically dangerous, and which could not, by any possibility, be otherwise than disloyal to a Protestant sovereign bent on maintaining the predominance of his own religion. It is true that a ruler in possession of overwhelming military force would have found his wisest course in tolerating what he could not alter, and in endeavouring, by the maintenance of order and by the gradual diffusion of the blessings of an enlightened government, to rally round him the gratitude of those who would owe to him much of their material prosperity, and whose spiritual interests were left to their own care. Unhappily, not

The religious difficulty.

[1] St. John and the Council to the English Council, Dec. 6, 1620. *Irish Cal.* v. 710.

only was toleration, in those days, regarded as a bad thing in itself, but the Irish Government had not the command of that force which alone could make it feel safe enough to practise it. The Irish army was a mere skeleton of a military force,[1] and there were no regiments of trained soldiers to be had at short notice from England. A combination of the Irish tribes even from a few neighbourhoods would task all the resources of the Deputy, and it was certain that no organisation was so capable of bringing about a combination of the natives as that of the priesthood of the Church of Rome. The difficulty in the way of the Government was too political to justify any Lord Deputy in refusing to confront it : at the same time, it was too religious to give him any chance of encountering it with success.

The fine for non-attendance at church.

Though it was impossible to enforce the payment of a shilling fine for each Sunday's non-attendance at church upon a whole population, great annoyance was caused by the arbitrary selection of individuals to bear the penalty without any corresponding advantage to the State. It seemed more easy to deal with the case of a single locality. Ever since the suppression of the rebellion in the port towns in the first year of James's reign, they had taken every opportunity of showing their hostility to the Government. Of these places Waterford had shown itself the hardest to deal with. It persistently elected magistrates who refused to take the oath of supremacy. In 1612 James ordered Chichester to suppress its municipal liberties, if the citizens refused to abandon the course which they had adopted.[2] The citizens, however, stood firm, and in the autumn of 1613 the recusant magistrates were still in office.[3] The position which Waterford had taken up was the more obnoxious to the Government, as it was enabled by its charter

The port-towns.

1612. Waterford threatened for electing recusant magistrates.

1613. Waterford maintains its position.

[1] On Feb. 4, 1622, the whole force consisted of 1,712 men. *Irish Cal.* v. 816.

[2] The King to Chichester, Sept. 30, 1612, *ibia.* iv. 529.

[3] Moryson to Chichester and the Commissioners, Oct. 13, 1613, *ibid* iv. 763.

to refuse admission to the King's judges, and thereby to dispense with the holding of assizes at which penalties might be inflicted for nonconformity in religion.[1]

Scarcely had St. John assumed the reins of government when the case of Waterford became ripe for action. A rule was obtained in the Irish Chancery for the seizure of its charter unless the corporation would voluntarily surrender it.[2] Legal difficulties, however, seem to have stood in the way, and it was not till 1617 that a verdict of a jury of the county of Waterford found the liberties of the city to be forfeited.[3] Upon this the corporation promised to surrender its charter, but neglected to fulfil its engagement. Accordingly, in the spring of 1618, the Court of Chancery proceeded to a final judgment, declaring the forfeiture of the municipal liberties of the city.[4]

1615. The liberties of Waterford seized.

1617. Oct. 10. Verdict of a county jury.

1618. The charter forfeited.

It was easier to declare the charter to be forfeited than to know how to supply its place. The fixed idea of English politicians was that if Irishmen would not come up to the expectations of their rulers, Englishmen must be brought over to supply their places. Early in 1619, therefore, the English Privy Council proposed that, as there was no one in Waterford fit to occupy a place in a new Protestant corporation, English merchants should be induced to settle in the city, and to undertake its government.[5] In the following August St. John recommended that at least thirty should be induced to emigrate. They were to bring their families with them, and at least 500*l.* apiece. What was of even greater importance, they must be of good character and fit to exercise the office of a magistrate. They would have no difficulty in finding accommodation at Waterford, as there was plenty of waste ground to build on, including the sites of two

1619. English merchants to be introduced.

[1] Commissioners' Report, Nov. 12, 1613, *Irish Cal.* iv. 781.
[2] Davies to Lake, Dec. 20, 1615, *ibid.* v. 195.
[3] St. John to Winwood, Oct. 11, 1617, *ibid.* v. 373.
[4] Docwra to —— (?), March 3, 1618, *ibid.* v. 399.
[5] St. John to the English Council, Feb. 26, 1619, *ibid.* v. 526.

ruined abbeys. If the owners chose to ask too high a price, the Irish Government would interpose and reduce them to reason.[1] The scheme which seemed so hopeful to James and St. John was wrecked on an unexpected obstacle. The English Privy Council wrote to the mayor and aldermen of Bristol, inviting them to select fitting men for the new settlement. The traders of Bristol, however, were not tempted by the offer of a residence in the midst of a hostile population. Not one could be induced to leave his home for such a purpose, and the government of Waterford had, therefore, for the present to be carried on from Dublin.[2]

1620. Jan. 31. Failure of the plan.

St. John's career in Ireland was drawing to a close. Early in 1621 he was created Viscount Grandison in the Irish peerage. According to the ideas prevalent in England, his career had not been unsuccessful. He had maintained the King's authority, and had advanced plantations; but complaints were always rife in Ireland, and it was easy to imagine at Whitehall that a change of government was needed rather than a change of system. Before the end of the year it was resolved that Grandison should be recalled, and on May 4, 1622, he delivered up the sword to the Lords Justices who were to exercise authority till the arrival of his successor.

1621. St John created Viscount Grandison.

1622. May 4. Grandison recalled.

That successor, Henry Cary, Viscount Falkland, in the Scottish peerage, owed his appointment to the favour of Buckingham. A man, naturally kindly and desirous of fulfilling his duties, he was alike wanting in the clear-sightedness which detects the root of an evil, and in the firmness which is needed to eradicate it. His letters are full of querulous complaints of men and things, and of expositions of the intractable nature of the population committed to his charge, mingled with very scanty suggestions of remedies to be adopted.

Falkland Lord Deputy.

[1] St. John and the Council to the English Council, Aug. 4, 1619, *Irish Cal.* v. 564.

[2] Mayor and Aldermen of Bristol to the English Council, Jan. 31, 1620, *ibid.* v. 615.

When Falkland arrived in Dublin in September, 1622, he came with the full resolution of putting an end to the activity of the Catholic clergy. Usher urged him to severity in a sermon on the text, "He beareth not the sword in vain," and Falkland imagined it to be possible to accomplish that which so many stronger men than himself had failed to do. In a despatch to the English Privy Council he drew a dismal picture of the state of Ireland. Priests swarmed in every part of the country, and excited the people by telling them that there would soon be a toleration in religion.[1] On January 21, 1623, the Lord Deputy issued a proclamation ordering the banishment of the priests.[2]

Sept. 6. Falkland's arrival.

The Catholic clergy to be silenced.

1623. Jan. 21. Proclamation banishing the priests.

Under no circumstances was such a proclamation likely to be obeyed in Ireland, and least of all at a time when the conclusion of the marriage treaty with Spain was the main object of the English Government. The attitude of the Catholics became more provoking than ever when it was known that the Prince had gone to Madrid to woo in person a Catholic bride. As the summer wore on the wildest rumours were in circulation. Tyrone, it was said, would soon return. At the fair at Kells, one Henry Dowdall announced publicly that the Prince was actually married in Spain, and that Buckingham had carried a cross before him at the ceremony. At Cavan two or three thousand Irishmen gathered to hear mass, and threatened to do the like in the parish church.[3] In December the nobility of the Pale thought the time was come when their complaints might be made with effect, and proposed, under the pretext of offering their congratulations to the Prince on his return from Spain, to send agents to England to state their case.[4] By this time, however, the breach with Spain was already in contempla-

Wild rumours.

A Catholic deputation proposed.

[1] Falkland and the Council to the English Council, Oct. 1, 1622, *Irish Cal.* v. 954.

[2] Proclamation, Jan. 21, 1623, *ibid.* v. 980.

[3] Falkland to Calvert, Oct. 20, *ibid.* v. 1076.

[4] Falkland to Conway, Dec. 14, *ibid.* v. 1100.

tion, and on January 21 Falkland was able to issue a second time his proclamation for the banishment of the priests.[1] James, however, was for some time hesitating whether to throw himself into opposition to Spain or not, and on February 17 the English Privy Council checked the ardour of Falkland, directing him to content himself with the suppression of tumultuous assemblies, of the erection of religious houses, and of meetings which were likely to be dangerous to the State.[2]

1624. Banishment of the priests again ordered.

Feb. 17. Falkland held back.

Before long, however, the breach with Spain actually took place, and Falkland's hands were freed. He was, however, in no position to take violent action against the priests. A fresh crop of rumours sprang up, of warlike preparations in Spain to be directed to the relief of Ireland, and in the midst of the excitement he was compelled to stand on the defensive.

Fresh rumours in Ireland.

The diminutive army on which alone Falkland could rely was in evil plight. When the last Lord Deputy left Ireland it had been unpaid for two years and a half. "For my part," Grandison had written to the English Council just before his departure from Dublin, "I pray you to receive the intercession I make for them now in the perclose of my government as the last words of a dying man that have long beheld this lamentable spectacle with much compassion; and if I shall be made so unhappy to leave this government with an arrear of half the time I have continued in it, I know I shall be followed with a thousand curses, and leave behind me an opinion that my unworthiness or want of credit has been the cause of leaving the army in worse estate than ever any of my predecessors before me have done."[3] Under Falkland the condition of the soldiers was no better. The Irish revenue was insufficient to pay the expenses of governing the country, and there were too many calls on the English exchequer to enable the richer country to supply the deficiency. It was

State of the army.

[1] Proclamation, Jan. 21, 1624, *Irish Cal.* v. 1139.

[2] The English Council to Falkland, Feb. 17, 1624, *ibid.* v. 1151.

[3] Grandison to the English Council, April 8, 1622, *ibid.* v. 837.

therefore, no slight relief to Falkland when the English Parliament of 1624 not only sent fresh reinforcements to Ireland, but accompanied them with six months' pay drawn from the subsidies which it had recently granted. The relief, however, was but temporary. In the following year Falkland complained that the pay of the men had fallen four months in arrear.[1] The natural consequences ensued. The appointed guardians of the peace became its worst violators. The peaceable inhabitants were robbed, in order that the soldiers might have wherewith to live. The discipline of the army was ruined, whilst the discontent of Irishmen of all classes was grievously aggravated.[2]

Supplies granted by England.

1625. Renewed distress of the soldiers.

1626. The consequent discord.

In the autumn of 1626, when it seemed likely that a war with France would be added to a war with Spain, the defenceless state of Ireland could no longer be left unnoticed by the English Government. One of the Lords of the Pale, the Earl of Westmeath, had been for some time in London, where he obtained a hearing for the grievances of his countrymen. With the advice of the English Privy Council, Charles resolved to increase the army in Ireland. He would have a standing force of 5,000 foot and 500 horse. The support of such an army must not, as hitherto, be left to chance. As it was hopeless to expect to draw the money which was needed for the pay of the soldiers from the English exchequer, some method of imposing the burden upon Ireland must be devised.

The army to be increased.

If Irishmen were to be induced to find the money, it would be necessary to pay some attention to their complaints. As a preliminary measure the Charter of Waterford was restored, and a recusant mayor installed in office.[3]

The charter of Waterford restored.

[1] Falkland and the Council to the English Council, Nov. 28, 1625.

[2] Falkland and the Council to the King, March 4, 1626, *Add. MSS.* 3827, fol. 56, 74.

[3] Falkland to Conway, Sept. 11, 1626. On Nov. 3, the new Mayor and Sheriffs sent Conway a present of Irish whiskey, as a token of their gratitude. *S. P. Ireland.*

On September 22 Falkland was directed to convene an assembly of the nobility, and to invite them to engage for the payment of a regular contribution by each county for the maintenance of the army. In order to influence the decision of this assembly, a statement of the concessions which Charles was ready to make was to be laid before it.

Sept. 22. The nobility to be asked to contribute.

These concessions, in the form which they ultimately assumed, are known in history as the Graces. Those which touched the burning questions of the Church and the land possessed a special importance. It was not likely that anything would be done for that considerable portion of the population which had suffered from the suppression, without compensation, of the Irish tenures. The grievances which were to be redressed were those of the middle and upper classes. It was upon them that the fitful exaction of the shilling fine almost exclusively weighed. It was from them, too, that the complaints against religious disabilities mainly proceeded. No man, they had often urged, could take office or even practise in the law courts without taking the oath of supremacy. In the reign of James a Court of Wards had been established in Ireland, which claimed the right of providing that the heirs which fell under its control should be educated in the Protestant religion, and which tendered the oath of supremacy to the heir arriving at full age before it permitted him to enter upon his inheritance.

First draft of the Graces.

For most of these grievances provision was made by the Graces. Charles could not persuade himself to abandon his hold upon heirs under age, but he consented to substitute for the old oath of supremacy a new oath of allegiance which no loyal Catholic would feel any difficulty in taking, and to renounce, except in special cases, the shilling fine for non-attendance at church.

On the land question the Graces were still more liberal. By consenting to the acceptance of sixty years' possession as a bar to all claims of the Crown based upon irregularities of title, Charles put an end to the prevailing fear of fresh plantations, a boon which was more

Articles affecting the land.

especially welcome in Connaught. The landowners there had received a recognition of their titles from Elizabeth and James,[1] but the officials entrusted with the duty of enrolling the patents by which this recognition acquired legal force had neglected their work. Charles now declared that no advantage should be taken of the omission. Finally, he promised to call a Parliament in Ireland to take into consideration the grievances of his subjects.[2]

On November 15 an assembly of the Irish nobility was held at Dublin. Its consent was asked to the bargain proposed by the King, but its members professed themselves incompetent to make a money grant without consulting their neighbours, and the meeting was therefore prorogued until April, when the bishops and peers of which it was composed might be reinforced by a body of commissioners selected by some kind of irregular election in the counties.[3]

Nov. 15. Irish nobility consulted.

During the interval, Falkland's mind assumed every hue of

[1] In view of Wentworth's subsequent proceedings in Connaught, the following extract from a letter from London is worth reading, as showing that the landowners of that province had every reason to understand the question as settled in their favour. "My Lord Chi[chester] hath writ to the Duke concerning the business of the Connaught surrenders, and till he heareth from him he forbeareth to give answer to your letters. The 22nd of the last month, amongst other Irish business, the Commissioners attending the Lords of the Council, the Connaught surrenders were spoken of, and how they were in fear of a plantation. The Lords so much declared themselves against a plantation that, though they did not absolutely order it at the Board, yet they gave commandment to Mr. Meautys that there waited, to keep a remembrance that they were of opinion and held it fit that his Majesty would be pleased to signify his pleasure to the Deputy, that in case they wanted a due form, either in surrendering, passing, or enrolling their patents in due time, that some should be sent hither out of that province authorised, who should bring one of their patents with him, if all keep but one form, which shall be viewed by the King's learned counsel, from whom they should receive a form of passing all the rest; and that there should be one easy and certain rate set down what every one should pay for passing them anew." J. W. to Falkland, Dec. 4, 1624, *Add. MSS.* 3827, fol. 45.

[2] Original draft of the Graces, Sept. 22, 1626, *S. P. Ireland.*

[3] Diary of the Assembly, *ibid.*

querulous despair. Everyone in Ireland was taking his own course without regard for the authority of the Lord Deputy. The example of Waterford had encouraged the other towns of the South to elect recusant mayors. The soldiers were in a state of mutiny for want of money. The counties refused to keep the troops any longer. The English settlers were as recalcitrant as the men of Irish birth. In Fermanagh the new settlers declared that, rather than continue to keep the 50 soldiers who had been cessed upon them, they would throw up their estates and leave the country. "If," wrote the Lord Deputy, "any violence should break out there (and it is not unlikely) and amongst the English, as they seem to menace, what could contain the Irish counties?" From Antrim came the same tale of resistance. The plantation there, according to the report of the principal gentlemen of the county, was only in its infancy. Their tenants were for the most part strangers of British birth, who would rather leave their lands than undergo such heavy burdens.[1] In various parts of the country wood-kerne were robbing and committing outrages in scattered bands. The Lord Deputy was unable to disperse them because he had no money with which to pay the officer whom he had selected to command the troops destined for the service against them.[2] Falkland, no doubt, had fallen on evil times. It was not he who had made Ireland what it was. Yet it was unfortunate that in such a crisis a man so utterly without resource should have been at the head of the Irish Government.

Falkland in despair.

1627.

The day appointed for the meeting of the Assembly in its new shape was April 19. Before the opening of the proceedings the Lord Deputy attended Christ Church in state. The sermon was preached by Downham, the Bishop of Derry. He chose for his text the words out of the song of Zacharias: "That we, being delivered out of the

April 19.

Bishop Downham's sermon.

[1] Falkland to the English Council, Oct. 15, Nov. 10, 1626. The inhabitants of Fermanagh to Falkland, Nov. (?), 1626. The Earl of Antrim and the Justices of the Peace of Antrim to Falkland, Feb. 2, 1627, *S. P. Ireland.*

[2] Falkland to the English Council, Feb. 17, 1627, *ibid.*

hands of our enemies, might serve Him without fear." It soon appeared who they were whom the bishop regarded as his enemies. He read out a declaration against toleration to which all the bishops had recently set their hands. To grant a toleration was to be accessory to superstition and idolatry, and to the perdition of the seduced people. It was especially impious to set religion to sale. When he had finished reading, Downham cried out, in a loud voice, "Let all the people say Amen!" From the whole of the assemblage the Amens rose loudly. When the sermon was over, Falkland told the Bishop that his words must be sent to the King. Downham, however, stood his ground, and declared that he was not ashamed of anything he had said.[1]

The declaration of the bishops was certain to dispose an Assembly, in which the Catholics were largely represented, to place itself in opposition to the wishes of the Government. The Assembly, in fact, at once replied by a refusal to contribute to the army, and, though Falkland kept it together for some days, he found it impossible to move it from the position which it had taken up. The reason openly given for this refusal was the poverty of the country; but Falkland gathered from words which had been let fall by some of the Lords of the Pale, that the real object of their desires was to substitute a militia commanded by themselves for a standing army. On May 2 he dismissed the representative members of the Assembly, retaining the nobles for a few days longer in the vain hope that they would be more submissive. Their reply was that they had given all that they could, and that they would indict the sheriffs, on a charge of treason, if they levied cess for the payment of the soldiers. In future, it was said, householders will 'shut up their doors,' and the soldiers may force them and take what they list, but give to them with their 'own goodwill they will not.' Under these circumstances the attempt to conciliate the nobility was necessarily abandoned. Falkland wrote, as he had often written before, that unless

The reinforced Assembly refuses a contribution.

May 2. The nobility consulted separately.

[1] Judgment of the Archbishops and Bishops, *S. P. Ireland.*

money were sent from England, it would be impossible to govern Ireland.[1]

On May 12 a letter arrived from the English Privy Council showing Falkland a way out of the difficulty. He was to inform the Irish that their opinion was not asked on the question whether the new army was to be maintained, or whether the requisite sum was to be levied in Ireland. All that was required of them was advice as to the most convenient way of levying the money. Upon this a few of the Lords of the Pale were summoned before the Council. Under stress they either agreed to the levy of a cess, or at least did not openly reject it; whilst, on the other hand, permission was given for the election by the cities and counties of agents to represent to Charles the grievances felt in Ireland. Even with this prospect of obtaining further concessions the Lords of the Pale refused to take any part in the assessment of the cess.[2]

May 12. The Irish ordered to pay.

A cess to be levied for a year.

June.

It may be that it was easier to raise an opposition to Falkland at Dublin than to contend with the King himself and the Privy Council at Whitehall. At all events, when the agents appeared in London in the spring of 1628 they gave complete satisfaction to the Government. They bound Ireland, as far as they were able to bind her, to provide 4,000*l.* a year for three years, a sum which would be sufficient to support the army. The payment was to commence at once, and was to be deducted from the subsidies which might be granted in the next Parliament.

1628. May. Contribution agreed to.

In return Ireland received the Graces somewhat amplified,

[1] Diary of the Assembly. Falkland and Council to the English Council, April 20, May 3, 9, 1627, *S. P. Ireland.* The following extract from a speech made by Usher on April 30 is worth the consideration of those who hold that the Irish were not wronged by the plantations. "We," said the Archbishop, "have brought new planters into the land, but have left the old inhabitants to shift for themselves, who, being strong of body, and daily increasing in number, and seeing themselves deprived of their ancient means of maintenance, which they and their ancestors have formerly enjoyed, will undoubtedly be ready, when any occasion is offered, to disturb our quiet."

[2] Diary of the Assembly, *S. P. Ireland.*

but modified by the omission of the engagement to abstain from enforcing the weekly fine for non-attendance at church. The new oath of allegiance, the abandonment of the right to enforce the King's title to land which had been in private hands for more than sixty years, were both conceded, and a special promise was given that the landowners of Connaught should receive in the next Parliament a confirmation of their estates, 'to the end the same may never hereafter be brought into any further question by us, our heirs, and successors.'[1]

The Graces.

November 3 was fixed as the day on which the promised Parliament was to meet, and the writs for the elections were actually issued by Falkland.[2] The English Council, however, reminded him that Poyning's law imposed upon them the task of approving of all Bills to be submitted to the Houses in Dublin, and that he had not left them time to give the necessary attention to the business. Though some at least of the elections had already taken place,[3] Falkland was obliged to announce that he had acted beyond his powers, and to withdraw the writs which he had issued.[4]

July. Parliament summoned.

September. It is countermanded.

There is no reason to suppose that anything more than a brief delay was intended.[5] In the spring of 1629, however, the

[1] The King to Falkland with instructions enclosed, May 24, 1628, *S. P. Ireland.*

[2] Falkland to the King, July 29, *ibid.*

[3] At Dublin, the election took place on Oct. 7. The Protestant candidates had about 1,000 votes, the Catholic about 1,400, 'most very poor men, as porters, &c.' Sir J. Ware's Diary, *Crowcombe Court MSS.*

[4] Falkland and the Council to the English Council, Sept. 8, *S. P. Ireland.*

[5] Most writers charge the King with deliberately breaking his promise to summon a Parliament. The correspondence in the *State Papers* warrants a different conclusion. On Aug. 15 the English Council wrote to Conway that the time allowed them was too short to correspond with the Deputy on difficulties which might arise in the preparation of the Bills. They therefore did not think Parliament could meet in November. "If his Majesty," they went on to say, "do continue his purpose to have it called any time the next winter, we hold it very necessary that we should receive speedy direction to appoint a Committee of some intelligent men of the courses of that kingdom to consider of all such things as will be

English Council was anxiously smoothing away difficulties before the approaching session at Westminster, and it is no matter of surprise that, when that session came to an untimely end, Charles should have been in no mood to encounter another Parliament at Dublin. The very name of a Parliament must have brought before his eyes a vision of riot and confusion, of false charges shouted out against his faithful ministers, and of a Speaker held down by violence in the chair. Unfortunate as the delay may have been, it is surely unnecessary to seek further for the motives of those who caused it.

Not that causes were wanting to make Charles hesitate to follow on the path on which he had entered. The Catholic priests construed the concessions already made as an acknowledgment of weakness. In Monaghan they invaded the churches, drove away the Protestant incumbents, and celebrated mass at the re-established altars.

March. Difficulties with the Catholics.

necessary to be resolved of for the preparation of a Parliament then, and they to make report unto us of their conclusions; . . . and we hold it further requisite that his Majesty would be pleased to direct us to write to the Deputy and Council there concerning his gracious pleasure of holding the Parliament, for that we doubt that they in that kingdom begin to grow into some diffidence of the continuance of his Majesty's intention in that behalf, having heard nothing of it since the going over of the agents." On the 21st, Conway answered that the King was satisfied with their statement, and ordered them to write to the Deputy and Council in Ireland, 'to assure them of his Majesty's constant resolution to have a Parliament called and holden there as soon as the needful forms and preparations for that assembly will admit, which your Lordships may intimate are already in hand and shall be prosecuted with all fitting expedition.' On the 25th the Council wrote accordingly, and their letter was received by Falkland on Sept. 5. The next day the Deputy, with the advice of his Council, resolved that the elections should nevertheless proceed, proposing to adjourn Parliament when it met. Meanwhile, on Sept. 9, a committee of lawyers in London certified the English Council that an Irish Parliament could not even be summoned till the Bills to be laid before it had been approved under the Great Seal of England. This, I suppose, settled the matter, and the summons must have been rescinded on the intimation of this opinion. There is nothing here showing any underhand desire of the King to postpone the meeting of Parliament. Why the postponement lasted so long is merely a matter of conjecture, and the explanation given above seems to be sufficiently reasonable to make it unnecessary to resort to the idea of deceit.

In Dublin buildings were erected as a monastery for the friars, and there too mass was attended openly by large crowds.

Nor was the internal harmony of the Irish Government itself such as to fit it for the delicate task of meeting Parliament. The Lord Deputy, supported by the majority of the Council, was engaged in bitter strife with a minority, amongst the members of which the Lord Chancellor, Lord Loftus of Ely, and Sir Francis Annesley, afterwards notorious as Lord Mountnorris, were the two most conspicuous. It was believed that this minority to some extent sympathised with the Irish nobility and gentry in their complaints against the Government, and after the dissolution of the Assembly, which met at Dublin in 1627, definite charges were brought against the Chancellor, probably at Falkland's instigation, in which he was accused not only of malversation in his office, but of giving encouragement to the malcontents to refuse supplies to the King. In the summer of 1628 the case against him was heard in London. His answers to some of the charges were considered to be sufficient, and he was allowed to return to Dublin in the full exercise of the authority of his office, pending further inquiry into the remainder. The result was regarded as a triumph by Loftus, who followed it up by asking leave to prosecute in the Star Chamber the persons who had brought unfounded accusations against him.[1]

Dissensions in the Irish Council.

1627.

Charges brought against the Chancellor.

If Falkland was to hold his own at Dublin, it behoved him to catch the eye of his sovereign by some act of vigour, and there could be little doubt that the blow, if a blow there was to be, would fall on the native Irish. From the beginning of his administration, Falkland had been anxious not merely to carry out the plantations which had been handed down to him by his predecessor, but to set on foot new ones of his own. As early as in 1623 he had cast his eye upon a district amongst the Wicklow mountains, inhabited by the sept of the Byrnes. In bypast time this sept had been noted

The Byrnes of Wicklow.

[1] Charges against the Lord Chancellor, with his answers, June 2. The Lord Chancellor to Conway, Aug. 11, 1628, *S. P. Ireland.* Proceedings of the Council, July 7, *ibid.*

for its turbulence. In the last years of Elizabeth, when all England was in confusion, Phelim Byrne, who was now the chief of the sept, with others of his relatives and dependents, had been guilty of an act of unusual atrocity. Having tracked Sir Piers Fitzgerald to a house in which he had taken refuge with his wife and daughter, they had set fire to the thatch and had burnt the whole party alive.[1] Since the accession of James, however, Phelim had settled down to a regular life, and had endeavoured to gain credit in Dublin for keeping some kind of order amongst his wild neighbours.

A district such as that of the Byrnes was certain to attract the notice of Falkland, who had placed himself in the hands of men such as Sir William Parsons, the Master of the new Court of Wards, who combined a theoretical belief in the virtues of the plantation system with a shrewd regard for his own interest. In 1623, therefore, Falkland proposed to set up a plantation in Wicklow. Much to his surprise, he found that his scheme found no countenance in England. The Commissioners for Irish Causes, who had been appointed to give advice to the English Privy Council, reported that, however excellent the plantation system was, it had been much abused by persons who had got large estates into their possession without fulfilling the obligations under which they had come. They therefore recommended that the Lord Deputy should content himself with breaking up the dependency of the people on their chiefs, and should dispose of the lands amongst the natives themselves at profitable rents.[2]

Falkland wishes to make a plantation in Wicklow.

Two years later, Falkland returned to the charge. He now announced that he had discovered a dangerous conspiracy, in which the Byrnes were concerned, together with the Butlers,

[1] Deposition of W. Eustace. Gilbert's *Hist. of the Irish Confederation*, ii. 205.

[2] Falkland to the English Council, May 3. The Commissioners for Irish affairs to the English Council, July, 1623, *Irish Cal.* v. 1019, 1058. The Commissioners were not, as Mr. Prendergast supposes (*Prf. to Irish Cal.* v.), 'a Committee of the Privy Council,' but a consultative body outside it.

the Cavenaghs, and the Tooles. Two of Phelim's sons were accused of participation in it. The Lord Deputy declared that the only way of dealing with such men was to seize their lands and establish a plantation upon them.[1]

1625. March 25. Falkland discovers a plot.

Once more the Commissioners for Irish Affairs stood between the impatient Lord Deputy and his prey. They seem to have entirely disbelieved the charges which Falkland had hinted at, and advised 'as the best course to reduce that barbarous country to some good settlement,' that Phelim should receive a grant of all the lands claimed by him, on condition of making a grant to his six younger sons of 200 acres apiece, to be held in freehold. He himself, according to the report, had been 'loyal and of good desert to the state,' and his sons were 'proper men and civilly bred.' The time was not seasonable for a new plantation.[2]

Falkland is not allowed to seize their lands.

For a long time Falkland kept silence. He and his subordinates were, however, much interested in making out a case against the Byrnes. On August 27, 1628, just after the Lord Chancellor had returned from England with the honours of victory, the Lord Deputy wrote a triumphant letter to the King, announcing that he had now completed his discovery of the great conspiracy of which he had for three years been upon the track. Phelim Byrne and his six sons[3] had been indicted at the Wicklow assizes, and a true bill had been found against them. The father and five of the sons were lodged in Dublin Castle, and would be tried the next term. The other son, Hugh, was in London, soliciting favour for his father and his brothers. He was as guilty as the rest, and should either be sent to Dublin or imprisoned in England. Let the King grant no pardon to any of the family before the trial, or give away their estates till the Deputy and the Irish Council had been consulted. "For," added Falkland

1628. Aug. 27. Falkland announces that he has completed his discovery.

[1] Falkland to Conway, March 25, 1625, *Irish Cal.* v. 1398.

[2] Report of the Commissioners for Irish Affairs. *S. P. Ireland. Undated, Charles I.*

[3] The report of the Commissioners last mentioned speaks of six younger sons. Probably one had died since.

"it is without all peradventure that the well settlement of these escheats do most importantly concern the settlement of the future peace and tranquillity of this kingdom in security and perpetuity with the assured good and advantage of the Crown." [1]

To Falkland's intense astonishment, Charles replied that he had received a petition from the Byrnes complaining of ill-treatment, and that he had therefore directed the formation of a committee of the Irish Privy Council to investigate the matter with impartiality.[2] When the names of the committee were read, those of Falkland's greatest enemies—the Lord Chancellor, Sir Francis Annesley, and Sir Arthur Savage—appeared amongst them.

Oct. 3. A committee of investigation.

By his answer, the Lord Deputy showed that he regarded the King's orders not only as the result of an unworthy intrigue, but as directed entirely against himself. He objected, he said, to a petition in which his Majesty's deputy was to be 'arraigned in' his 'proceedings in the discovery and prosecution of traitors by persons' subordinate to him in his 'government, to the great blemish of' his 'honour and integrity; whilst the persons accused, and by twelve men—of the best consequence in their country—found guilty, shall be so protected from trial, and against a lawful verdict, be supposed and suggested still innocent.' On this ground Falkland begged that the trials might proceed, and execution be deferred till the King had been fully acquainted with the circumstances of the case. "If in the process," he ended by saying, "it shall appear that my actions and aims in this service have not been in all circumstances becoming the person I am in the office I exercise, as full of candidness, moderation, clemency, uprightness, and integrity as of circumspection, vigilancy, industry, cost and hazard, my head on the block shall be the price of my folly and iniquity; so, on the contrary part, if I be found upright, that my honour be repaired and an inquisition made what bad brokers of this or that land have been employed, and what means they have used to blind authority and

[1] Falkland to the King, Aug. 27, 1628, *S. P. Ireland.*
[2] The King to Falkland, Oct. 3, 1628, *ibid.*

purchase corrupt friendship, to procure favour for so gross and capital offenders, and to pervert justice ; for I that know what attempts have been made upon myself can easily divine what essays may have been made and ways sought elsewhere."[1]

Whatever might be the truth about the Byrnes Falkland stands self-condemned. No thought of the possibility of a miscarriage of justice occurred to him ; no recollection that, if some members of the committee were his enemies, others were not, and that one of them at least, Archbishop Usher, might be trusted to see that the investigation ordered should be honest and impartial. Falkland's mind was so filled with the sense of his own offended dignity, that no room was left in it for any other consideration.

The Commissioners set to work amidst unexampled difficulties. Not only did the Lord Deputy refuse to render any assistance, but he threw every possible obstacle in their way. As the greater number of available witnesses were in close prison in the Castle, they could not be brought up for examination without Falkland's permission. That permission he refused to give, and he turned an equally deaf ear to the requests of Byrne and his sons to be informed of the precise nature of the crime of which they were charged.[2] It was enough that he had himself made up his mind that they were guilty.

November. Difficulties in the way of the committee.

The Commissioners had therefore recourse to such evidence as they could derive from persons still at liberty, and this they forwarded to England without comment of their own.[3]

1629. Jan. 20. The result of the investigation.

The tale which is to be unravelled from the statements made before the Commissioners is no doubt one which might be to some extent modified, if we could hear the other side. Yet it is hardly possible that any modification could make it otherwise than revolting. The witnesses upon whose testi

[1] Falkland to the King, Oct. 20, 1628, *S. P. Ireland.*

[2] Falkland's answer to Brian Byrne's petition, Nov. 8. Falklands. answer to Phelim Byrne's petition, Nov. 12, 1628, *ibid.*

[3] The Committee to the English Privy Council, Jan. 20, 1629, *ibid.*

mony the Byrnes had been indicted were for the most part condemned felons, who had saved their lives by offering to give such evidence as was sought for by persons in authority, or who were driven to offer their testimony by threats or even by torture. One witness against the Byrnes had been placed on the rack, another had been put naked on a burning gridiron. Those who had got up the case by such means as these were Lord Esmond, Sir Henry Bellings, Sir William Parsons, William Graham, and others who were hungering for a share in the new plantation. One witness, Hugh Macgarrald, deposed 'that he was apprehended by William Graham, the Provost Marshal, who kept him seven days in his custody, tied with a hand-lock, and two several times the said Graham threatened to hang the examinate if he would not do service against Phelim MacPheagh ;[1] one time sending for a ladder, and another time showing him a tree whereon he would hang him, and the ropes or withs ; but the examinate, making protestation of having no matter to lay to the said Phelim's charge, did choose rather to suffer than to impeach him without a cause.' Another witness, Dermot O'Toole, deposed that since his committal 'he hath been solicited by Sir Henry Bellings to do service against Phelim MacPheagh and his sons in accusing them, . . . with promises that in recompense thereof he should be enlarged and have his own pardon, and if the examinate did not yield to do such service, that he, the examinate, should be hanged.' He deposed also that 'the said Sir Henry dealt with him in like manner, with the like promises, for accusing Phelim MacPheagh with the death of Mr. Pont. All which the examinate denied, being unable to accuse them thereof.' O'Toole proceeded to tell how Falkland himself interfered, and 'willed the examinate to choose whether of the three Provost Marshals he would be hanged by.'

Similar depositions were forthcoming in plenty. The mode of finding the indictment at the Wicklow assizes was as iniquitous as the mode in which the evidence had been collected. The foreman of the grand jury was Sir James Fitzgerald, whose father had been burnt alive in the murderous attack in which

[1] *i.e.* Phelim Byrne.

Phelim Byrne had been concerned. Another juryman was Sir Henry Bellings, who had been one of his chief accusers, and the remainder were in some way or another connected with the men who coveted the lands occupied by the Byrnes, whilst the greater part of them were legally disqualified from serving on a grand jury at all.[1]

Falkland's position shaken.

The one man who could see nothing in all this calling for inquiry was Falkland. It is most unlikely that he had deliberately given his authority to the execution of an unjust sentence. He had rather been a tool in the hands of men who had made use of him for their own purposes. In the mind of a Lord Deputy there must always have been a latent presumption that any given Irishman was likely to have been guilty of conspiracy against the Government, as well as a strong suspicion that his followers and kinsmen were disinclined to tell tales against him unless they were driven by threats and tortures to tell the truth. Even with men like Sir Henry Bellings the wish to prove the Byrnes traitors, for the sake of their lands, was probably father of a decided conviction that they actually were so. What was specially reprehensible in Falkland was his utter inability to perceive that the evil system which surrounded him fell in any way short of ideal justice. It was a high indignity, he had lately written to the King, that his conduct should be examined by a commission, whilst the trial of traitors was suspended after they had been found to be malefactors by the testimony of sixteen loyal men impannelled legally.[2]

Falkland's apology.

In consequence of the inquiry held at Dublin the Byrnes were set at liberty.[3] After this it was impossible to allow Falkland to remain longer in Ireland.[4] In January, the Earl of

[1] The case of the O'Byrnes of Wicklow, Gilbert's *Hist. of the Irish Confederation*, ii. 167.

[2] Falkland to the King, Dec. 8, 1628, *Gilbert*, ii. 210.

[3] Part of their lands is said to have remained in the hands of Sir W. Parsons. Carte's *Ormond*, i. 27.

[4] The strongest point in Falkland's favour is that a letter taking his part, and written by the majority of the Irish Council, bears the signature of Usher, who was one of the Commissioners. The writers refer the King

Danby was named as his successor. Danby, however, was not very willing to engage again in the service of the State, and on August 10, 1629, the Lord Deputy was ordered to hand over his authority to the Lords Justices, on the decent pretext that the King needed his advice at home.[1]

Aug. 10. Falkland's recall.

The Lords Justices were the Lord Chancellor and Richard Boyle, Earl of Cork, who respectively represented the two factions into which the Irish Council had been divided during the last years of Falkland's office. So bitterly hostile were they to one another, that Charles thought it well to accompany their appointment with a message charging them to lay aside all personal rivalry in regard for the public service.[2]

The Lords Justices.

Such a combination did not promise much amendment in the conduct of the Irish government. The Lords Justices indeed were not entirely idle. They reduced the army, and were thus able to spread over four years the contribution which had been granted for three. They also proceeded vigorously against the convents and the open celebration of the mass in Dublin. The friars and nuns were driven out, and their houses seized for the King's use.

On May 11, 1630, about 200 lords and gentlemen were

to the information which he had received at the beginning of Falkland's government concerning the turbulence of the district of the Byrnes. "This," they proceed to say, "being at that time the declaration of the State, moved your Deputy—being a stranger—to have a wary aspect upon those people for the common peace, which he hath carefully performed." When a Spanish invasion was threatened, several persons were examined, and it was discovered that Phelim had entered into a combination for raising a commotion, and that a justice of the peace had been murdered in consequence, before which they had never heard of any displeasure of the Deputy's against Phelim. They then expressed their belief that he had no aim except 'the reducement' of Phelim's country 'to the conformity of other civil parts.' The Irish Council to the King, April 28, 1629, *S. P. Ireland.* The last quoted clause probably hits the mark. The sense of justice is often overpowered in well-intentioned persons by an ill-regulated sense of public duty. There was afterwards an inquiry in England, of which few particulars have reached us.

[1] The King to Falkland, Aug. 10, 1629, *S. P. Ireland.*

[2] The King to Wilmot, Aug. 5, *ibid.*

summoned to the council-table, and were asked whether they wished to have a Parliament or not. All, with the single exception of Lord Gormanston, answered in the affirmative. It was then settled that it should meet in November.[1] When, however, November arrived, no attempt was made to carry out this agreement.

1630. May 11. A Parliament to be summoned.

The day, however, at last arrived when a Parliament must be faced. At Christmas, 1632, the contribution would come to an end. In the preceding January[2] Charles announced that he had chosen a new Lord Deputy. Wentworth was entrusted with the task of bringing Ireland to order, though more than a year was to pass before he arrived at Dublin to take up the duties of his office.

1632. Jan. 12. A new Lord Deputy announced.

[1] Sir J. Ware's Diary, *Crowcombe Court MSS.*

[2] The King to the Lords Justices, Jan. 12, 1632, *Straff. Letters*, i. 61.

CHAPTER LXXVI.

WENTWORTH IN IRELAND.

THE new Lord Deputy had already shown himself to be possessed of some of the highest qualifications of a ruler. He had a rapid intelligence, a firm will, and a fixed resolution to allow no private interests to stand in the way of the interests of the State. In his correspondence with Laud this resolution was expressed by the word 'thorough.' There was to be thorough earnestness, thorough self-abnegation in the service of the State, thorough activity, too, of proceeding against those who opposed their own inactivity or greed to the just requirements of the Government. Such a man could hardly seek less than absolute power. Every evil which he connected with Parliamentary or official independence in England would return upon him with redoubled force in Ireland. Privy councillors and officers of various kinds had been long accustomed to range themselves in opposing factions, and too many of them regarded their posts as property to be used for the best advantage, and would turn sharply upon the man who required from them the zealous activity which he himself displayed. Nor was it possible in Ireland to fall back upon Parliament as a controlling force. In England the voice of Parliament was coming to be more than ever the voice of an united nation. In Ireland there was no nation to represent. There might be members elected by the English colonists, and members elected by the Irish population; but there was no common feeling, no possibility of combining

1632 Jan. 12. Wentworth's qualifications for the government of Ireland.

The Irish officials.

The Irish Parliament.

dissimilar elements so as to form a basis of authority. What Ireland needed was a government like that of India in the present day, supporting itself on an irresistible army and guided by statesmanlike intelligence.. It was unfortunate that in their honourable anxiety to raise Ireland to the level of England, English statesmen had thrust upon the country institutions for which it was manifestly unfit. Parliaments divided into two nearly equal factions, with scarcely a point in common, juries delivering verdicts from fear or favour, could never give real strength to a Government. Wentworth did not respect these institutions. He believed himself capable of doing more for Ireland than Irishmen themselves could do. Unhappily, his very intellectual superiority led him to think very much of doing the thing that was right and profitable, and very little of the morality of the means which he took to accomplish his ends.[1] If Parliaments or juries objected to give effect to his schemes, their resistance was to be overcome by threats, persuasion, or cajolery. He had come to regard all constitutional restraints as mere impediments to honest action. "I know no reason then," he subsequently wrote to Laud, after he had been a few months in Ireland, "but you may as well rule the common lawyers in England as I, poor beagle, do here ; and yet that I do, and will do, in all that concerns my master's service, at the peril of my head. I am confident that the King, being pleased to set himself in the business, is

Wentworth's system of government.

[1] I do not know whether Wentworth was a student of Machiavelli. But there is much in his conduct in Ireland which reminds us of *The Prince*, not only in his recognition that good government is the firmest support of authority, but in particular acts. The settlement of Connaught, for instance, is the translation into action of Machiavelli's words, cap. iii. "L' altro miglior remedio è mandare colonie in uno o in duoi luoghi, che siano quasi le chiavi di quello Stato ; perchè è necessario o far questo, o tenervi assai gente d' arme e fanterie. Nelle colonie non spende molto il Principe, e senza sua spesa, o poca, ve le manda e tiene ; e solamente offende coloro a chi toglie il campi e le case per darle a nuovi abitatori, che sono una minima parte di quello Stato." Another of Machiavelli's maxims was turned against him by Charles (cap. xix.) : "Di che si può trarre un altro notabile, che li principi debbono le cose di carico metter sopra d' altri, e le cose di grazia a sè medesimi."

able by his wisdom and ministers to carry any just and honourable action through all imaginary opposition, for real there can be none; that to start aside for such panic fears as a Prynne or an Eliot shall set up, were the meanest folly in the whole world; that, the debts of the Crown taken off, you may govern as you please."[1] Nor was it only with lawyers and Parliaments that he was ready to deal in this high-handed fashion. In his impatience of ignorant obstructiveness, he shut his eyes to the necessity of respecting the ideas and habits of a population, and he forgot that multitudes who had no means of enforcing his attention to their wishes might nevertheless cling with tenacious pertinacity to their old ways in spite of all that he could do to lead them in another direction.

In carrying out the enterprise upon which he had embarked, the King's name was to Wentworth a tower of strength. In England he had never scrupled to use it freely, as if the establishment of the royal authority was identical with the interests of the State. In Ireland it was far more identical with them than in England. Only in the King's name could Wentworth rebuke the elements of disorder and corruption, could teach idle and selfish officials to labour for the public good, could snatch public property out of the hand of the robber, and could contend against the abuses of ages from which the poor suffered oppression, and the rich and powerful reaped advantage.

The first necessity of a Government thus situated was to possess an army upon which it could thoroughly depend. Yet so decided was the feeling in Ireland against a continuance of the contributions, that it seemed hopeless to obtain the money needed for the support of the soldiers without a more open breach of legality than Wentworth deemed expedient. In the opinion of the Lords Justices indeed the only course to be pursued was the enforcement of the shilling fines for recusancy.

Need of support for the army.

[1] Wentworth to Laud, Dec. 1633, *Strafford Letters*, i. 171. The last phrase should be interpreted by the 'any just and honourable action' which precedes.

Wentworth's course was swiftly taken. Having received from the King the assurance that all business should pass through his hands, and that all offices should be conferred by himself,[1] as well as that no fresh expenditure should be incurred without his consent, he obtained a letter from Charles ordering presentments of recusancy to be generally made, so that, although no fines were for the present to be levied, a general impression might be created that payment would be enforced at the end of the year, when the contribution would cease to be available.[2] At the same time he despatched a secret agent to the principal Catholics with instructions to lay the blame of the measure on the Earl of Cork. The new Lord Deputy, he was to tell them, was their best friend, and it would be well for them to avert the immediate danger by offering to continue the contribution for another year. With this alternative before them the Catholics readily consented to do as Wentworth wished. The Protestants were too dependent on the Government to venture to resist.

February. Means taken by Wentworth to gain his end.

It was not that Wentworth differed from Cork in his aims. If he wished to see Ireland as prosperous as England, he had no doubt that it was only by the supremacy of English law and English religion that so desirable a result was to be attained. "I am not ignorant," he wrote to Cottington, "that what hath been may happen out again, and how much every good Englishman ought, as well in reason of state as conscience, to desire that kingdom were well reduced to conformity of religion with us here, as indeed shutting up the postern gate, hitherto open to many a dangerous inconvenience and mischief."[3] He had, however, a clear insight into at least some of the difficulties in his way. He knew that English supremacy could not root itself in Ireland by means of an irritating persecution conducted by men who had enriched themselves by expropriating native landowners. Of that

Oct. 1. Wentworth's view of the situation.

[1] Wentworth's Propositions, Feb. 17, 1632, *Strafford Letters*, i. 65.
[2] The King to the Lords Justices, April 14, 1632, *ibid.* i. 71.
[3] Wentworth to Cottington, Oct. 4, 1632, *ibid.* i. 74.

evil class which, under a display of Protestant zeal, cloaked its eagerness to use the forms of the law to add field to field at the expense of the Celtic population, Richard Boyle, the Great Earl of Cork, as he was frequently styled, was the most conspicuous. He had come over to Ireland as an adventurer in 1588, with twenty-seven pounds in his pocket. He began his operations by buying up for a trifle valuable claims, which those who held them did not know how to turn to account. He contrived to gain the favour of men in authority, and, unless he is much maligned, he used his opportunities unscrupulously. Before the end of the sixteenth century he held more land than anyone else in Ireland. Yet he knew how to use to the best advantage the wealth which he had unscrupulously acquired. His estates were well cultivated. Buildings of all kinds—houses, churches, and schools—rose upon them.[1] In the recent distractions he had taken the side of Falkland against the Lord Chancellor and Annesley. He could see no harm in the treatment to which the Byrnes had been subjected, and no danger in the exasperation which would ensue if a whole population were fined for refusing to abandon its religion.

The Great Earl of Cork.

A prosperous man of the world, imagining that a nation can be governed in accordance with the rules on which a pettifogging lawyer conducted business, was just the personage with whom Wentworth was certain to come into collision. The new Deputy was unwilling to come to a final decision on the best mode of reducing Ireland to order till he had had an opportunity of seeing the country with his own eyes. He knew at least that Cork's empiric remedies were no remedies at all. "My lord," he wrote of the reduction of Ireland to conformity with England, in continuing his letter to Cottington; "it is a great business, hath many a root lying deep, and far within the ground, which would be first thoroughly opened before we judge what height it may shoot up into, when it shall feel itself once struck at, to be loosened and pulled up. Nor, at this distance can I advise it should be

Wentworth means to see with his own eyes.

[1] The character of the Earl is dissected, with quotations from original documents, in Wright's *History of Ireland*, i. 618.

at all attempted, until the payment for the King's army be elsewhere and surelier settled, than either upon the voluntary gift of the subjects or upon the casual income of the twelve pence a Sunday. Before this fruit grows ripe for gathering, the army must not live *precario*, fetching in every morsel of bread upon their swords' points. Nor will I so far ground myself with an implicit faith upon the all-foreseeing providences of the Earl of Cork, as to receive the contrary opinion from him *in verbo magistri*, when I am sure that if such a rush as this should set that kingdom in pieces again, I must be the man that am like to bear the heat of the day, and to be also accountable for the success, not he. Blame me not then, when it concerns me so nearly, both in honour and safety, if I had much rather desire to hold it in suspense, and to be at liberty upon the place to make my own election, than thus be closed up by the choice and admission of strangers, whom I know not how they stand affected either to me or the King's service." [1]

Wentworth took good care to let the Irish officials know that he intended to be their master, not, as Falkland had been, their servant. On October 15 he reminded the Lord Justices, in a sharp letter, that they had been ordered by the King six months before to abstain from the bestowal of offices, and that they had not only neglected the orders given, but had kept secret the letter in which they were contained. "Pardon me, my lords," he wrote, "if in the discharge of my own duty I be transported beyond my natural modesty and moderation, and the respects I personally bear your lordships, plainly to let you know I shall not connive at such a presumption in you, thus to evacuate my master's directions, nor contain myself in silence, seeing them before my face so slighted, or at least laid aside, it seems, very little regarded." [2]

Oct. 15. The Lords Justices warned.

1633. July 23. Wentworth in Dublin.

Wentworth had thus a full year in which to take his measures. For some unexplained reason he did not arrive in Ireland till the summer of 1633. On July 23 he entered Dublin. He soon found that he would

[1] Wentworth to Cottington, Oct. 1, 1632, *Strafford Letters*, i. 74.

[2] Wentworth to the Lords Justices, Oct. 15, 1632, *S. P. Ireland.*

have to create his instruments of government himself. "I find them in this place," he wrote, "a company of men the most intent upon their own ends that ever I met with, and so as those speed, they consider other things at a very great distance." The army was one 'rather in name than in deed, whether it was considered in numbers, in weapons, or in discipline.' He was almost frightened to see the work before him. "Yet," he encouraged himself by saying at the end, "you shall see I will not meanly desert the duties I owe to my master and myself. Howbeit, without the arm of his Majesty's counsel and support, it is impossible for me to go through with this work."[1] Whatever support the King's name might give him he might freely enjoy. For counsel he must look to himself alone.

The Deputy's first work was to obtain a prolongation of the Contribution for yet another year. By dexterously mingling hopes of an approaching Parliament with a declaration of his resolution to take the money by force if he could not have it in any other way, he obtained the assent first of the Council and then of the Catholic landowners.[2]

The Contribution prolonged.

The ends which Wentworth proposed to himself were in the highest degree honourable to his character. He saw that the mass of the Irish population were ignorant and poverty-stricken, liable to be led astray by their priests, and imposed upon by their lords. He wished to raise them to material prosperity, to make them laborious and contented. He wished, too, to give them knowledge and education, that they might be, as Englishmen were, loyal Protestant subjects of the King. Force and policy must combine to the

Wentworth's plans.

[1] Wentworth to Portland, Aug. 3, 1633, *S. P. Ireland*, i. 96.

[2] Wentworth to Coke, Aug. 3, 1633, *Strafford Letters*, i. 97. From the account given here of the Council meeting, it is evident that the Deputy had the support of the party which had hitherto been opposed to Falkland. Sir Adam Loftus, the Chancellor's son, first proposed the continuance of the contribution. "The Lord Chancellor and the Lord Mountnorris showed themselves throughout very ready to give it all furtherance." On the other hand, Cork and Parsons are noted as behaving in an unsatisfactory way.

desired end. The natives must be taught to feel their own weakness, and to acknowledge that the stern discipline imposed upon them was for their advantage. Trade and agriculture would flourish, and those who were benefited by the prosperity which followed would hardly look back with longing eyes to the days of wretchedness which had for ever passed away.

The sixteenth century had bequeathed to the seventeenth an overweening confidence in the power of government. In England especially the sovereigns had done much to effect a change in the religion and in the social condition of the country, and they seemed to have done much more than they really did. It is easy for us, standing at a distance, to take account of the national craving for independence of foreign dictation which drove unwilling Catholics to support a Protestant Government. It was not then easy to trace out the influence of other causes for the success of Elizabeth than those which she drew from her own high spirit and enlightened judgment. So much had been done by governmental energy and by governmental adroitness that everything seemed possible to energy and adroitness. Just as Bacon under-estimated the mystery of material nature when he joyously declared himself to have taken all knowledge for his province, so did Wentworth under-estimate the mystery of human nature when he thought that a few years would enable him to transform ignorance into knowledge and distrust into fidelity. It was true that he was about to accomplish marvels; but he could not accomplish miracles. Nothing short of a miracle would suddenly transform the Irish Protestant Church into a true nursing-mother of the Celtic population in the midst of which it was encamped, or would suddenly transform the English colonists into beneficent diffusers of light and civilisation. The Irish only knew the foreign clergy as greedy collectors of tithes, and the foreign settlers as greedy encroachers upon land. Nor had Wentworth himself the qualities which enable men to conciliate opposition. Careless of popularity and disdaining the arts by which it is acquired, he would not condescend to explain his intentions even to those whom he most wished to benefit. He could not understand

His confidence in the power of government.

why it was that he was not loved. He left his actions to speak for themselves, and wondered that they were so often misinterpreted.

The Deputy lost no time in bringing his little army to a complete state of efficiency. He knew that punctual pay was the first requisite for the restoration of discipline, and by establishing a strict system of payment he soon put an end to the loose system by which the soldier had been a terror to the civil population and a broken reed in the hands of authority. The officers were startled to find that the new Lord Deputy, who, unlike his predecessors, was General of the army as well as Governor of the State, actually expected them to attend to their duties.[1] His own troop of horse soon became a model for the rest of the army.

November. Discipline of the army.

Wentworth's devouring zeal for the public service found little echo in the Council. The Chancellor, and Annesley, now Lord Mountnorris, gave him some support; but their support was at best lukewarm, and others looked askance upon the obtrusive Englishman who could not let matters alone which had been let alone so long. By degrees he gathered round him a few friends upon whom he could depend. He brought Wandesford from Yorkshire to be Master of the Rolls. He introduced Radcliffe, another Yorkshireman, into the Council. Loyal and devoted as they were, such men would serve as instruments for his policy; but they could not warn him against his errors.

The Privy Council.

Wistfully he looked across the sea for support. Although the King was ready to stand by him, and to trust him with such powers as had never been entrusted to any former Deputy, he found it hard to keep the promise which he had given to leave all appointments in the Deputy's hands. Holland and the Queen were always pestering him with applications for unsuitable grants in favour of unsuitable persons, and he shrank from saying No. It cost Wentworth a hard struggle to defend from the greed of the English courtiers the revenue present and prospective upon which he counted.

Wentworth's relations with the King.

[1] Wentworth to Cottington, Nov. 4, *Strafford Letters*, i. 144.

The very army was tampered with to gratify suitors at Whitehall, and even when Charles had no intention of unsettling Wentworth's arrangements in Ireland, he made no difficulty in leaving him to bear the odium of the refusal. In one of his letters he mentioned the names of some of the principal men in his Court who had asked for favour to be shown to them in Ireland. "I recommend them all to you," he added, "heartily and earnestly, but so as may agree with the good of my service and no otherwise; yet so too as that I may have thanks; howsoever that, if there be anything to be denied, you may do it, and not I."[1] One case cost Wentworth a severe struggle. Falkland had died[2] before his successor crossed the sea, and had made it his dying request to the King to provide for his second son, Lorenzo Cary, in the Irish army. As long as Wentworth was by his side Charles properly refused to entrust a company of soldiers to so young a lad. Soon after Wentworth reached Dublin he discovered that the appointment had been made without consulting him. He explained to Charles that the company had been under the command of the late Lord Deputy, and had been left by him in the utmost disorder, and that young Cary was not likely to remedy the mischief. Besides, he had already appointed a real soldier to the post, and to force him to cancel the nomination would be evidence to the world that he was not trusted in England. His remonstrances were of no avail. Charles insisted that he had passed his word to Cary, though he assured Wentworth that nothing of the kind should occur again.[3]

Lorenzo Cary's case.

Till Wentworth arrived in Ireland little or nothing had been done to free the seas from pirates, and from privateers who were pirates in all but name. On his passage across St. George's Channel, he had himself lost property worth 500*l*. He found trade at a standstill. A Dutch vessel had been rifled and set on fire within sight of Dublin

Piracy repressed.

[1] The King to Wentworth, Oct. 26, 1633, *Strafford Letters*, i. 140.

[2] He fell from a ladder in the park at Theobald's and broke his leg. He died after the limb had been amputated. His eldest son Lucius had been dismissed from the command of a company by the Lords Justices.

[3] *Strafford Letters*, i. 128, 138, 142, 207, 228.

Castle. His anger was especially roused by such a defiance of his authority. "The loss and misery of this," he wrote, "is not so great as the scorn that such a picking villain as this should dare to do these insolences in the face of that State, and to pass away without control."[1]

The pirates were for the most part subjects of the King of Spain; but though Wentworth was anxious to be on good terms with Spain, he did not, for that reason, deal leniently with Spanish pirates. In a short time he had two ships of his own to guard the coast. To their command he appointed Sir Richard Plumleigh, a man after his own heart. Before long, piracy in the Irish seas was the exception and not the rule.

Hand in hand with the suppression of piracy went the encouragement of trade. Wentworth's letters are full of evidence of the care with which he descended into the minutest details. The humble beginnings of the great flax culture of the North of Ireland owed their origin to him. He advanced money from his own pocket towards the carrying out of a project for manufacturing iron ordnance in the country. He spent long hours over an attempt to open commercial intercourse with Spain, and was never in better spirits than when he fancied that his efforts were likely to be crowned with success. He was deeply annoyed at the short-sighted eagerness of the English Government to place restrictions on Irish exportation for the protection of English manufactures. His notions on the evil of customs duties were in advance of his generation. On one occasion he advocated the imposition of a payment upon brewers on the ground that it might be 'a step towards an excise, which although it be heathen Greek in England, yet certainly would be more beneficial to the Crown and less felt by the subject than where the impositions are laid upon the foreign vent of commodities inward and outward.'

Trade encouraged.

Wentworth's recommendations that the rise of a cloth manufacture in Ireland should be discouraged, and that the sole right of importing salt should remain in the hands of the Government, stand in startling con-

Exceptional treatment of cloth and salt.

[1] Wentworth to Portland, June 9, 1633, *Strafford Letters*, i. 89.

trast with his other enlightened suggestions, and he intended them to stand in contrast. It was the indispensable condition of the reforms which he was meditating, that Ireland should be perfectly submissive to the English Government. There are those doubtless who, knowing how ill the English Government subsequently acquitted itself of its task, would argue that it would have been far better if Ireland had been left to independence, and had worked out her own destinies in the midst of the strife and confusion which would have been the inevitable result. Those, however, who approve of Wentworth's end can hardly fairly cavil at the means. Till his healing measures had found acceptance, and as long as the Irish feeling was still one of distrust if not of exasperation, some way must be found of sustaining the English dominion by other means than by the loyal assent of the governed. If Ireland was to be held in subjection, it was better that she should submit because Irishmen could not keep meat for winter use without English salt, or could not cover their nakedness without English cloth, than because they were subjected to slaughter and rapine by an English army. Nor was the injury to any class of the population very great. There were no flourishing cloth manufactures in existence in Ireland to be ruined.[1] Their only chance of existence in the future would be owing to the peace and order which Wentworth was doing his best to establish. If here and there some few Irishmen, who for some local reason might be profitably employed in making cloth, were forced to seek some other mode of livelihood, the grievance was not a great one in comparison with the sources of profit which Wentworth was opening up in every direction.[2] At all events, there is nothing in common between Wentworth's measures and the selfish legislation of the later

[1] Wentworth argued that one reason for allowing wool to be exported was 'because they have no means here to manufacture it themselves, so as the commodity would be utterly lost to the growers unless this expedient be granted.' Wentworth to Coke, Jan. 31, 1634, *Strafford Letters*, i. 194. No doubt Wentworth also argued that the King's customs would benefit, but this is plainly not his primary reason.

[2] Wentworth to Portland, Jan. 31, 1634, *Strafford Letters*, i. 190.

English Parliaments. The wool manufacture was to be repressed, not that England might grow rich, but that Ireland might have peace.

Wentworth knew better than to trust to material prosperity alone. He looked to the Church to supply the moral and intellectual force which was to wean the Irish from the creed which divided them from most of their fellow-subjects of English race. The condition of the Irish Church, when Wentworth landed, was indeed deplorable. Over a great part of the country the fabrics of the churches were in ruins, and the revenues by which the clergy should have been supported had either disappeared in the tumults of the sixteenth century, or had been filched by the neighbouring landowners. There were parts of Ireland in which half a dozen benefices did not produce enough to furnish a suit of clothes to the pluralist incumbent. In such a state of things large numbers of benefices were of necessity heaped upon the head of a single person, who was often a needy adventurer without a thought of fulfilling the duties of a position which furnished him with a miserable pittance, and it was seldom that suitors of this kind thought of asking for less than three vicarages at a time.[1] The Bishops' courts were in the hands of rapacious lawyers who exasperated the Irish by their exactions. The peasant who counted it a sacrilege to bring his children for baptism to a heretic font, or to hear words of consolation pronounced by heretic lips over the grave of those whom he loved, was heavily fined if he ventured to seek the services of a priest of his own communion, till Wentworth interfered to stop the abuse. The excellent Bedell was no sooner appointed to the bishoprics of Kilmore and Ardagh than he protested against the folly of such tyranny. "I do thus account," he wrote to Laud, "that among all the impediments to the work of God amongst us, there is not any greater than the abuse of ecclesiastical jurisdiction. The demonstration thereof is plain. The people pierce not into the inward and true reasons of things: they are sensible in the purse. Wherefore let us preach never so piously ourselves, so

State of the Church.

Bedell at Kilmore.

Complains of the Church courts;

[1] Bramhall to Laud, Aug. 10, 1633, *S. P. Ireland.*

long as the officers in our courts do prey upon the people, they account us no better than publicans, and so much the more deservedly, because we are called spiritual men and reformed Christians." Bedell's own chancellor, one Alan Cook, appointed by his predecessor, and irremovable by himself, was one of the worst of these harpies. "Among the Irish," he said, "he had gotten the name of Pouke"—the rude original of Shakspere's gamesome Puck—"and indeed they fear him like the fiend of hell. To his austerity the abandoning of the country by above a thousand of the inhabitants the last year was more imputed than to the hardness of the times." [1]

and of ignorance of the Irish language.

No less pertinent was Bedell's complaint of the ignorance of the Irish language which was almost universal amongst the clergy. How, he asked, could a minister discharge his duty who could not speak to his flock in their own tongue. It was no wonder that the Catholic priests, who were at no such disadvantage, gained the hearts of the people and were superior even in numbers to the Protestant clergy.[2]

His life in his diocese.

If any man could have gained the confidence of Irishmen, it would have been Bedell. To the pluralists he spoke by example. He resigned the See of Ardagh that he might not hold a second bishopric. At great expense of time and money he carried on a suit to get rid of his oppressive chancellor, and when he was unsuccessful in this he never failed to appear in person in his court, in the hope that he might shame him into better behaviour by his presence. He worked hard to acquire the Irish language, and as livings in his gift fell vacant, he refused to appoint any who had not followed his example. Prayers were read in Irish in his cathedral, and he superintended the translation of the Old Testament, that of the New Testament alone having been hitherto completed.

Its results.

Bedell's zeal was not without its results. Irish converts gathered round him, and even Irishmen whom he was unable to convert loved and reverenced the English stranger who had given them his heart. But it was not in the nature of

[1] Bedell to Laud, Aug. 7, 1630, *Laud's Works*, vi. 280.

[2] Bedell to Usher, Sept. 18, 1630, Burnet's *Life of Bedell*, 52.

things that there should be many Bedells, and there was no hope of gaining the Irish people on any other condition.

What Wentworth could do, he did. He sternly repressed the persecuting zeal of the officials. It was useless, he said, to fine the Catholics for not attending church as long as there were no churches to go to.[1] He had no difficulty in tracing the causes of the evil to 'an unlearned clergy, which have not so much as the outward form of churchmen to cover themselves with, nor their persons any way reverenced or protected; the churches unbuilt; the parsonage and vicarage houses utterly ruined; the people untaught, through the non-residency of the clergy, occasioned by the unlimited shameful numbers of spiritual promotions with cure of souls, which they hold by commendams; the rites and ceremonies of the Church run over without all decency of habit, order, or gravity, in the course of their service; the possessions of the Church to a great proportion in lay hands; the bishops aliening their very principal houses and demesnes to their children, to strangers,[2] farming out their jurisdiction to mean and unworthy persons; the Popish titulars exercising the whilst a foreign jurisdiction much greater than theirs; the schools which might be a means to season the youth in virtue and religion either ill-provided, ill-governed for the most part, or, which is worse, applied sometimes underhand to the maintenance of Popish schoolmasters; lands given to these charitable uses, and that in a bountiful proportion, especially by King James of ever-blessed memory, dissipated, leased forth for little or nothing, concealed, contrary to all conscience and the excellent purposes of the founder; the College here, which should be the seminary of arts and civility in the elder sort, extremely out of order, partly by means of their statutes, which must be amended, and partly under the government of a weak provost; all the monies raised for charitable uses converted to private benefices; many patronages unjustly and by practice gotten from the Crown.'[3]

Wentworth on Church disorder.

[1] Wentworth to Laud, Dec. 1633, *Strafford Letters*, i. 171.

[2] The hurried omission of the conjunction is quite in Wentworth's manner. It frequently occurs in his speech at York.

[3] Wentworth to Laud, Jan. 31, 1634, *Strafford Letters*, i. 187.

One of the chief offenders amongst the laity was the Earl of Cork. Wentworth had long had his eye upon him, and he was now able to charge him with appropriating to himself, for a paltry rent of 20*l.*, the whole of the revenues of the bishopric of Lismore—which brought him in 1,000*l.* a year. Another sum of 100*l.* a year, which should have been applied to the repairs of the cathedral, went to swell the Earl's income, and the cathedral was in consequence falling into ruins. A suit was at once commenced against him in the Castle Chamber, a court answering to the English Star Chamber, and in the end he was compelled to disgorge thus much of his ill-gotten wealth, and to submit to a heavy fine.[1]

Church property taken from Cork.

Another dispute between the Deputy and the Earl was of a more personal character. Lady Cork had lately died, and the widower had erected a gorgeous tomb to her memory in St. Patrick's. The monument was placed under the chancel arch, and part of it occupied the space on which the high altar had formerly stood. As soon as Laud heard of it, he protested that this was no place for a tomb. Charles was at first inclined to pass the matter over, but he finally decided as Laud wished him. The Lord Deputy, nothing loth, ordered the tomb to be pulled down, and to be re erected in another part of the church.

Lady Cork's tomb.

Wentworth's ceremonialism did not go very deep. He was not likely to agitate the Irish Church as the English Church was being agitated by Laud. But he was himself fond of outward decency and order, and he believed that the neglect of formalities would stand in the way of the conversion of the Catholic population. When he arrived in Ireland he found that one of the Dublin churches had served his predecessor for a stable, that a second had been converted into a dwelling-house, and that the choir of a third was used as a tennis court. The vaults underneath Christ Church were let out as alehouses and tobacco-shops. In the choir above, the communion-table, standing in the midst of the congregation, had become an ordinary seat for maids and apprentices.

Church ceremonies.

[1] State of the Bishopric, May 3, 1634, *S. P. Ireland.*

Wentworth ordered the communion-table to be placed at the east end, as in English cathedrals.[1] He put a stop to the practice of walking about in the aisles and chattering during service, and shut up the tobacco-shops below. Further than this he did not go. He was not so ignorant of the relative importance of things as to impose the duty of changing the position of the communion-table upon the country clergy, at least till the Irish clergy were in a different state from that in which he found them. The first thing to be done was to regain the lost property of the Church, so that a single Irish benefice might once more be worth accepting. The next thing would be to induce able and zealous ministers to transfer themselves to Ireland. When that was accomplished, everything else which Wentworth desired might be expected to follow. Wentworth did all that lay in his power to improve the condition of the benefices. From the King he obtained a grant to the clergy of all impropriations in possession of the Crown, and efforts, which were successful in some instances, were made to induce the laity in like case to follow the Royal example.

For Wentworth the difficulties of the Irish Church were only part of the difficulties of bringing the Irish nation under discipline and order. For some time he had been in correspondence with the King on the subject of the coming Parliament. That Parliament was in no sense representative of the Irish population. In the House of Lords the bishops, reinforced by Englishmen who had received Irish peerages, could give a majority to the Government; and the House of Commons had been so arranged in the preceding reign as deliberately to falsify the expression of Irish opinion. Seats had been given to the merest hamlets, provided that they were likely to return Englishmen and Protestants. The session of 1613 had been disgraced by an open fight between the two factions. Such a body could never serve any of the

1634. Preparations for a Parliament.

[1] Sir James Ware in his Diary speaks of this as having been done on June 21, before Wentworth's arrival. Bramhall, however, in his letter of Aug. 10 (*Works*, i. lxxix.), speaks of the abuse as still existing. Perhaps the order was given but not carried out till Wentworth came.

purposes for which Parliaments are designed. Wentworth liked it the better for that. He knew that the two parties were nearly equal, and that there was a slight majority on the side of the Protestants, and he believed that by a skilful mixture of firmness and blandishment he might play the two parties off against one another, until he had gained from them the semblance of a national sanction to the decrees which emanated from his own will.

His plan for managing the Parliament.

It was an immense advantage to Wentworth that the Irish Parliament was debarred by Poyning's law from taking any Bill into consideration which had not previously been submitted to the English Privy Council. He was thus freed from such claims as had been put forward by the English House of Commons 'to a liberty to offer anything in their own time and order.' His immediate object was to gain a grant of subsidies sufficient to support the army for a few years without the Contributions. That breathing time was all he needed. He never doubted that, when it was over, the King's revenue would, through his efforts, have become equal to the expenditure. He now proposed that there should be two sessions. In the first, supply was to be granted unconditionally. In the second, such Bills for the benefit of the subject as he thought it advisable to pass should be converted into law.

His resolution about the Graces.

The Bills which Wentworth thought it advisable to pass did not include the whole of the Graces. More especially he intended to omit the confirmation of all estates with sixty years' title, and the concession to the landowners of Connaught of those patents which, through no fault of their own, they had neglected to enrol. As far as Connaught was concerned, he had a plan of settlement very different from the confirmation of the rights of the existing landowners. In the rest of Ireland he had no wish to deal hardly with those whose titles were defective. But he would give them security, not by a sweeping measure applicable to the whole country, but by separate bargains in which each individual proprietor would have to compound for an indefeasible title by the payment of a moderate rent to the Crown. Before he left England he had obtained from the King the appointment of a

body of Commissioners authorised to conclude bargains of this kind,[1] and he now proposed that, together with the Subsidy Act, a Bill should be brought in and passed, even in the first session, giving a Parliamentary confirmation to such arrangements as these Commissioners might see fit to conclude.

In rejecting these two Graces Wentworth undoubtedly believed that he was doing the best for Ireland as well as for the King. It was in his eyes the main condition of good government in the future that the Irish should be held in subjection till the time came when they could be raised to a higher stage of civilisation by the educative influence of a reformed clergy and by the enticements of material comfort. The scheme itself was hopeless from the beginning. Its very conception could only have proceeded from one who was ignorant—as most, if not all of his contemporaries of English blood were ignorant—of the persistency with which a race clings to its ancestral habits and modes of thought. In fact, the very reason which made Wentworth most desirous of effecting the change would be accepted by a modern statesman as a sufficient motive for rejecting it without a moment's hesitation. It was because the condition of the Irish stood in need of so much improvement that it was cruel as well as unwise to attempt to destroy their self-respect by hurrying them forcibly over the stages of progress which separated them from their English conquerors. Even if Wentworth's policy had been wiser than it was, it would have been heavily weighted from the beginning with the broken word of the King. Charles had expressly promised that the next Parliament should be used to confirm the landowners' titles in Connaught as well as in the rest of Ireland. The course taken for the confirmation in individual cases might perhaps be regarded as a performance of that promise with a modification imposed by political necessity. The course taken with regard to Connaught was a direct breach of the engagement which had been given.

Object which he had in view.

On July 14, 1634, Parliament met. As Wentworth had hoped, the Protestants, many of whom were official dependents

[1] Commission, Feb. 11, 1632. Lascelles, *Liber Munerum Hiberniæ*, i. 135.

on the Government, were in a small majority. He had instructions to dissolve Parliament at once in case of an unexpected refusal of supplies, and to levy the revenue he needed by his own authority. Nothing was further from his intentions than to allow any freedom of action to any one but himself. He heard with indignation that the Catholic priests had been threatening their flocks with excommunication if they gave their votes to a Protestant. Such a course, he declared, would lead to the division of the country into a Papist faction and a Protestant faction, a result which, as he naïvely added, 'is to be avoided as much as may be, unless our numbers were the greater.' A sheriff, who 'carried himself mutinously,' as Wentworth expressed it, at the Dublin election, was fined in the Castle Chamber, and deprived of his office. A successor was appointed, and two Protestant members were returned.[1]

July 14. Meeting of Parliament.

In the speech with which the Deputy opened the session, he took care to address his hearers as he wished them to be, not as they really were. The King, he explained, had done, and was doing all that could be done for the benefit of Ireland. In order that his beneficial rule might continue, the army must be maintained to give 'comfort and encouragement to quiet minds in their honest occasions, containing the licentious spirits within the modest bounds of sobriety.' For this purpose the debts of the Crown, amounting to 75,000*l.*, must be paid off, and the yearly deficit of 20,000*l.* filled up. The remedy must be permanent. It was beneath the dignity of his master to 'come at every year's end, with his hat in his hand, to entreat' them to be pleased to preserve themselves. Then followed words of warning. "Let me advise you," said Wentworth, with keen recollections of the events of 1629, "suffer no poor suspicions or jealousies to vitiate your judgments, much rather become you wise by others' harms. You cannot be ignorant of the misfortunes these meetings have run of late years in England; strike not therefore upon the same rock of distrust which hath so often shivered them. For whatever other accident this mischief may be assigned unto, there

July 15. Wentworth's speech.

[1] Wentworth to Coke, June 24, *Strafford Letters*, i. 269.

was nothing else that brought it upon us but the King's just standing to have the honour of our trust, and our ill-grounded obstinate fears that would not be secured. This was that spirit of the air that walked in darkness, abusing both, whereon if once one beam of light and truth had happily reflected, it had passed over as clouds without rain, and left the King far better contented with his people and them much more happy ; albeit as they are—thanks to God and his Majesty—the happiest of the whole world.'[1] Finally, there must be no divisions among them, between Catholic and Protestant, English and Irish. "Above all, divide not between the interests of the King and his people, as if there were one being of the King and another being of his people. This is the most mischievous principle that can be laid in reason of State, and that which, if you watch not very well, may the easiliest mislead you. For you might as well tell me a head might live without a body, or a body without a head, as that it is possible for a king to be rich and happy without his people be so likewise, or that a people can be rich and happy without the king be so also. Most certain it is that their well-being is individually one and the same, their interests woven up together with so tender and close threads as cannot be pulled asunder without a rent in the commonwealth." [1]

Was Wentworth consistent with himself?

Some of those who listened to these words would doubtless look back over 1629 to 1628, and would ask whether the speaker was the same man as he who had stood up in the English Parliament to declare that unless they were secured in their liberties they could not give. Though it was not Wentworth's habit to defend himself, there can be little doubt that he would have declared his conduct to be perfectly consistent. There was in his eyes all the difference in the world between England under Buckingham and Ireland under Wentworth. In the one case the head was at fault. In the

[1] Speech, July 15, *Strafford Letters*, i. 286. As this speech was an extempore one, it is more likely to reveal Wentworth's real nature. How permanent his ideas were will be seen by comparing it with the speech at York, in 1628. Even the quotation, '*Qui majore ubertate gratiam quietis referre solent*,' reappears.

other case the body was incapable of appreciating the wisdom which flowed from the head.

Wentworth's government had all the short-lived merits and the grave defects of despotism. The slightest attempt to convert constitutional fiction into a reality met with his most strenuous resistance. The first sitting of the Commons revealed the strength of parties. The Catholics moved to purge the House—in plain words, to exclude many of the Protestants on the ground of non-residence in the constituencies which had elected them. The question was referred to a committee. The members of the committee were, however, nominated from the Protestant side by a majority of eight.

July 17. Parties in the House.

Wentworth struck the iron whilst it was hot. The next morning, his friend Wandesford moved for six subsidies, a grant far larger than the Deputy had, a short while before, thought it possible to obtain. Before the sitting was at an end they were voted without any difficulty whatever.

July 18. Six subsidies granted.

Then, when it was too late, both parties combined to ask that the Graces might be confirmed. They were told that so many as were good for them should be passed into law in the next session. For the present they must content themselves with passing a Bill for giving a Parliamentary title to the awards of the Commissioners for defective titles. They at once submitted, and the session came to an end.

Aug. 2. End of session.

Wentworth ordered the judges at the summer assizes to magnify the King's gracious favour in giving his assent to this Bill, as well as to assure the people of the intention of the Government to proceed to great reforms in the next session.[1]

Aug. 21. Instructions to the judges.

Isolated as he knew himself to be in Ireland, Wentworth turned to the King for some token of his satisfaction which might give assurance to all men that in resisting the Deputy they would have to reckon with the King. In all humility he asked for an earldom. Charles, who liked

Sept. 20. Wentworth asks for an earldom.

[1] Wentworth to Coke, Aug. 18; Wentworth to the Judges, Aug. 21, 1634, *Strafford Letters*, i. 276. 292.

to be the originator of his own favours, refused to grant the request.[1] Wentworth had to meet Parliament again without any mark of his sovereign's approbation.

The new session was opened on November 4. On the 27th Wentworth announced that the whole of the Graces would not be the subject of legislation. In a moment the Catholic members of the Lower House burst into insurrection. Through the accidental absence of a few of their opponents, they found themselves in command of a majority. They declared that if the King's promise was to be thus scandalously broken, they would pass no Bills. One vote after another went against the Government. Sir Piers Crosby, a member of the Privy Council, who had commanded an Irish regiment at Rhé, put himself at the head of the movement, and urged the rejection of a Bill for the punishment of accessaries to murder.

Nov. 4. The second session.

A Catholic majority.

Wentworth was not to be thus overborne. He summoned a meeting of the Privy Council, and obtained their assent to the sequestration of Crosby from the board till the King's pleasure could be known. At the same time he made urgent instances to the absent Protestant members to return to their duty. In his eyes, whatever he might have said in his opening speech about the maintenance of harmony between Catholic and Protestant, it was still a question of the gradual and irresistible supersession of the religion of the Irish by the religion of the English. "It may seem strange," he wrote, in the account of the affair which he sent home, "that this people should be so obstinately set against their own good, and yet the reason is plain; for the friars and Jesuits, fearing that these laws would conform them here to the manners of England, and in time be a means to lead them on to a conformity in religion and faith also, they catholicly oppose and fence up every path leading to so good a purpose; and, indeed, I see plainly that, so long as this kingdom continues Popish, they are not a people for the Crown of England to be confident of; whereas, if they were not still distempered by

Wentworth recovers a majority.

[1] Wentworth to the King, Sept. 20, 1634. The King to Wentworth, Oct. 23, *Strafford Letters*, i. 301, 331.

the infusion of these friars and Jesuits, I am of belief they would be as good and loyal to their King as any other subjects."

The Protestant members responded to Wentworth's appeal. They returned to their posts, and Bill after Bill was carried through the House. On December 15 the second session came to an end, to Wentworth's complete satisfaction.[1]

Dec. 15. End of the second session.

Two more short sessions were needed in the course of the following year to complete the work of legislation. No such series of wise and beneficent laws had ever been enacted in Ireland. Wentworth would have been willing to retain so useful a Parliament for future work. Charles, however, who held that Parliaments, being 'of the nature of cats, grew curst by age,' commanded a dissolution.

1635. Two more sessions.

With the aid of a Protestant majority which represented but a small minority of the population of Ireland, Wentworth had obtained the semblance of a national approval to those changes in the law, which, as he hoped, would lead to changes greater still. At the same time his care was unceasing for the improvement of the material position of the clergy, in the expectation that they would thereby be the better fitted for the work which he expected from them; but he was not content with improving their material position. He thought that it would be necessary, if they were ever to make converts of the Irish, to modify their teaching so as to render it more acceptable to those to whom they were sent. As the very fact that in Ireland a Protestant minority had been thrown in the midst of a Roman Catholic population, had made that minority, wherever it had retained any consciousness of religion at all, more defiantly and obtrusively Protestant than in countries where Protestantism had no danger to apprehend, the Irish articles which, under Usher's guidance, had been drawn up in 1615, had adopted the Calvinistic doctrine in its most distinctive form. Wentworth determined that Convocation, without formally repealing these articles, should now adopt the articles of the Church of England, so as practically to supersede those which he found in existence.

1634. December. The Irish Convocation.

Wentworth demands its acceptance of the English articles.

[1] Wentworth to Coke, Dec. 16, 1634, *Strafford Letters*, i. 345.

To this high-handed attempt to deal with their belief, the clergy in the Lower House of Convocation naturally objected. They appointed a committee which proceeded to revise the canons of the Church of England, and which directed that the Irish articles should be received under pain of excommunication. The Deputy at once interfered. Sending for Dean Andrews, the chairman of the committee, he told him that he was possessed by the spirit of Ananias, and that 'it was not for a few petty clerks to presume to make articles of faith.' With his own hand he drew up a canon prescribing the acceptance of the English articles, and ordered that it should be put to the vote. Wentworth's canon was adopted with only two dissentient voices.[1] The other canons of the Church of England were amended by Bramhall, perhaps under Usher's direction, and were finally adopted.[2] As far as Dean Andrews was concerned, Wentworth's contempt was amply justified. In order to punish him, he obtained from the King his promotion to the bishopric of Ferns, a see so poor as to afford to its new bishop a smaller income than that which he had received as Dean of Limerick. So delighted was Andrews with the promotion that he boasted of it openly in the pulpit before he learned the cost of it. "How long," he said, in a sermon at which Wentworth was present, "how long have we heretofore expected preferment. But now, God be praised, we have it." Wentworth had much difficulty in keeping his countenance. "He is a good child," he wrote, in giving an account of the scene, "and kisseth the rod."[3]

Opposition of the Lower House.

1635. Penal promotion of Andrews.

The condition of the Irish Church, in fact, was such as to invite the interference of the Deputy. It was the creature of the State as no other Church in the world was. If the protecting hand of the English Government were removed, it would fall of itself before the combined

The Deputy and the Church.

[1] Wentworth to Laud, Dec. 16, *Strafford Letters*. Bramhall to Laud. Dec. 20, 1634, *S. P. Ireland*. The latter shows that the point was mooted in the Upper House, which Dr. Elrington doubted. *Usher's Works*, ii. 74.

[2] Elrington's Life of Usher, *Usher's Works*, i. 178.

[3] Wentworth to Laud, March 10, 1635, *Strafford Letters*, i. 378.

assaults of the native Catholics and of the rapacious landowners who extended to it a nominal deference. The habit of subservience to the Government was a necessity of the situation. It showed itself not merely in time-servers like Andrews, but in men as pious and honourable as Archbishop Usher. Wentworth professed a good-humoured but somewhat contemptuous toleration for an Archbishop who had done so little to help him in the emergency, mingled with a sincere respect for his learning and character. In fact Usher could hardly have acted otherwise than he did. Though he, as a believer in the Calvinistic doctrine of predestination, must have regarded the setting aside of the Irish articles with dissatisfaction, he had a keen sense of the evils which affected the clergy, and he justly regarded those evils as more destructive than slackness to advocate even a doctrine which he believed to be true. He therefore warmly supported Wentworth and Laud in their efforts for the moral improvement of the Irish clergy without approving of their doctrinal tendencies.

Presbyterianism in Ulster.

The rejection of the Irish articles was followed by a fierce attempt to repress the Calvinistic Presbyterianism of the Scottish colonists in Ulster. Bramhall, the new Bishop of Derry, was a man after Laud's own heart. He announced that he would soon put an end to such practices in his diocese. "It would trouble a man," he wrote, contemptuously, "to find twelve Common Prayer-books in all their churches, and those only not cast behind the altar because they have none; but in place of it a table twelve yards long, where they sit and receive the sacrament like good fellows." [1]

Hopelessness of Wentworth's task.

Zeal, unless it worked in his own grooves, was never intelligible to Wentworth. No dream of the wildest enthusiast was ever more shadowy than the vision entertained by him of a religion sober and energetic, alike without doctrinal exaggerations and without the bitterness of party spirit by which they are attended. He might as well have attempted to yoke the zebra to his chariot as to bring the Scottish and English settlers of the North and the impulsive

[1] Bramhall to Laud, Dec. 20, 1634, *S. P. Ireland.*

Celts of the rest of Ireland under the same decorous discipline of the English Church. Yet even here it was Wentworth's perception of facts rather than his judgment which was at fault. Calvinistic Presbyterianism with him was simply the work of a few factious agitators. Irish Catholicism was simply the work of friars and Jesuits. He had no conception that these forms of belief were but the natural outcome of the life of those by whom they were held, and that in seeking to eradicate those beliefs from the hearts of men he was embarked on an enterprise to which even his powers were ludicrously inadequate. He might browbeat Parliaments and Convocations, because those Parliaments and Convocations were but shadowy emanations from an alien Government. He could neither create nor destroy the religion of a people. The Calvinistic preacher and the Jesuit missionary alike had a hold on the spiritual side of man's complex being. They appealed to his hopes of heaven, his craving for a guidance upon earth which he could follow without abandoning his own habits of belief. What had Wentworth to set in opposition to that?

Closely connected with Wentworth's eagerness to convert the Irish to Protestantism was his eagerness to introduce fresh English colonists in order to tighten his grasp upon the native population. In neither case was he without a desire for improving the condition of the Irish themselves. He believed in his heart that they would be the better for the influence of the English settlers, just as he believed in his heart that they would be the better for the influence of the English form of religion. The desire of strengthening the King's authority and the desire of elevating the condition of his subjects were inseparably connected in his mind.

The proposed plantations.

How this matter of colonisation looked in the eyes of Englishmen may be learned from a paper of advice relating to a projected plantation of Ormond and the neighbouring districts. "If the natives of those counties," we are told, "may be estated in convenient quantities for their livelihood by good grants from the King, they will be more ready and assured servants to the Crown and will build and plant; whereas now, having no title and much of land divided

Paper of advice on the Ormond plantation.

into very petty tenancies, the people have no comfort to build or settle, neither are able to serve as becometh, nor to suppress the insolent idlers. If these countries were so governed by English, there would be an absolute interposition between the Irish of Connaught and the Irish of Leinster, both which are most wavering and doubtful of all other parts of the kingdom, whereas now, by the opportunity of the freedom they there enjoy to intercourse, the peace is daily disturbed. These were the countries that gave Tyrone passage and most relief when he brought his army into Munster to join the invading Spaniards; so as the putting of these into right hands and governance is an act of greater consequence than is easily foreseen. Because there is no English in that country, there is not so much as the face of a church or any resident ministers. By this plantation the churches will be endowed, congregations settled, the religion in some measure professed, and the service of God induced."

Three towns, the writer added, should be built and settled with English burgesses, whilst the petty Irish might be established as copyholders or tenants for life of small proportions, to dwell about the towns, so that their children might be brought up in trade. Such of the natives as were 'possessed of any lands by virtue or pretence of any late patents' were 'to be favourably used.'[1]

Another writer treated of the counties of Roscommon, Sligo, and Mayo in a more trenchant style. "The remote parts of these counties which border upon the sea," he says, "and most of the inland counties, are inhabited with a poor indigent people so barbarous in all respects as the Indians or Moors. This plantation will bring in amongst them some undertakers of the British nation which sometime will beget the natives to more civility and conformity, as in other places they have done where the plantations have run. The inferior natives do all of them make their dependency upon the Irish lords, and do now pay unto them either public or private chiefries. There is not any one thing permitted by

Paper on Connaught.

[1] Advice to plant a portion on the Shannon, *S. P. Ireland*, Bundle 282.

the State which draws with it a more pernicious inconvenience to the crown and commonwealth than this very particular, for it is the condition of the Irish lords and gentry to esteem all those who pay them rent and chiefries to be their people, their followers, their very slaves ; and the nature of the inferior Irish natives is to conceive and account his lord to whom he pays rent or chiefry to be his only patron and protector, as good and loyal subjects conceive of their king, to whom they are so devoted as they will at any time go into open action of rebellion at the will and pleasure of their lords."

This evil, the writer proceeded to argue, would be remedied by the proposed plantation. "This plantation will bring in freeholders of the British nation into all the counties, who will be able to serve his Majesty and the commonwealth at all public services faithfully, equally, and indifferently, agreeable to the truth of their evidence, whereas at this present all business and matters are swayed and carried agreeable to the will and disposition of one or two men in a county, so that neither his Majesty nor any other subject can have any indifferency upon any inquiry or trial, to the great detriment and disservice of his Majesty, and the unspeakable loss and prejudice of the subject. This plantation will double his Majesty's certain revenue in what now is paid and whatsoever it will do more. This plantation will intermix the British nation with the natives, which will bring in civility by divers ways and means ; it will procure the natives to become laborious, who are apt to labour by the good example of others, when they may have hire and reward for the same ; but the Irish lords and gentry do never give the poor people anything for their labour, which doth so dispose them to idleness. It will bring in trade and commerce, the English language, apparel, customs, and manners. It will beget inclosures, and laying their land into severals which now lies as in common. This will be a great means to banish and suppress night thieves and stealers of cattle. It will beget good, perfect, and plenty of guides in the Irish countries of the British nation, the want whereof, in the late rebellions, were a great means of the long continuance of the wars. . . . It will so intermix the British nation with the natives as the natives

BOROUGH OF TWICKENHAM BRIDGE

shall not be able hereafter to contrive any rebellions as heretofore they have done, but that the State will have timely advertisement of the same to prevent or meet with the inconveniency. . . . It will improve generally the lands of the whole province, and by the well and orderly laying out of the natives' lands round and entire together, the loss of the fourth part will be equally recompensed, and will not be unwelcome to most of the natives who are men of any judgment and sensible of reason, and have taken special notice of the convenient and orderly living of the freeholders in those countries where the plantations have run already." [1]

English view of Irish affairs.

The view taken in these papers was the same as that taken by every Englishman who had visited Ireland. Accustomed to a life passed in busy activity, and thrown upon his own resources to provide for himself and his family under the discipline of enforced submission to the authority of a Government in the lower functions of which he himself shared, and against the encroachment of which he was to a great extent protected by the law, the Englishman was unable to understand that even this rude poverty-stricken Irish life might have its charms for men whose training had been different from his own. He could not comprehend how what seemed to him to be a slavish submission to the caprices of the chief might find its compensation in the kindly intercourse of good-fellowship which sprang up from the acknowledgment of a common kinship between the chief and his tribe; or how the lack of the sentiment of individual ownership of land might be made up by the sense of joint ownership in the whole of the territory of the tribe. For even the most learned Englishman in those days had never thought of studying the ways and habits of less civilised nations, except as objects of amusement or derision. The lesson that it is only with tottering steps and slow progress that a people can walk forward on the path of civilisation had yet to be revealed.

In the mistake of under-estimating the amount of resistance which the Irish were likely to offer to his well-meant efforts to

[1] The benefits which will arise from the plantation, *S. P. Ireland*, Bundle 281.

drag them forward for their good, as a foolish nurse drags forward the child committed to her care, Wentworth was no wiser than the mass of his countrymen. Nor did he take into his calculation the repellent effect of the sudden introduction amongst the native population of a number of rough Englishmen, greedy of gain and contemptuously disregardful of the feelings of a people whom they looked upon as barbarous, and whose very language they were unable to comprehend.

State of the English settlers.

Even in Ulster, after a settlement of more than twenty years, colonisation had not smoothed away all difficulties. In January and February the municipal authorities of the City of London, to the principal companies of which the county of Londonderry had been granted, appeared before the Star Chamber to answer to a charge of having broken their charter. That charter had imposed conditions upon them which they had undoubtedly failed to fulfil. They had been expected to build more houses than they had built, to send over more English settlers than they had sent, and, above all, to exclude the Irish natives from holding land except in certain specified districts. It appeared that in many parts of the county the natives outnumbered the colonists in a very large proportion ; that, instead of being converted to Protestantism, these natives remained constant to their own religion, and supported a large number of priests who confirmed them in their resolution to set the English clergy at defiance. The Star Chamber held that the charge was fully proved, and condemned the City to a fine of 70,000*l.*, and to the forfeiture of the land. It is not unlikely that a body of London citizens may have been somewhat remiss in directing the arrangements of a settlement in the north of Ireland ; but it was hard measure to hold them responsible for the failure. It was not their fault if English colonists would not emigrate in such numbers as was desirable ; and if the new proprietors could not find Englishmen to rent their farms, it was more than was to be expected from human nature to ask them to keep their lands out of cultivation rather than let them to the Irish. Nor was the temptation to

January. The Londonderry settlement.

February. Forfeiture of the London charter.

Condition of the Ulster settlement.

admit Irish tenants, even when an English applicant presented himself, easy to withstand. An Irishman, as it was stated upon evidence at the trial, was always ready to offer a larger sum than an Englishman would consent to pay. It is possible that this unexpected result may have been owing in part to the strong desire of the natives to remain attached to the soil which they regarded as their own. Another reason, however, suggests itself, which goes far to explain the difficulties of the task which the Deputy had undertaken. The Irish of Ulster fully believed that the day was at hand when the O'Neill and the O'Donnell would return, and when their dispossessed tribesmen would enter into the possession of the well-tilled lands and the newly erected habitations of the English intruders. If this belief were shared by the settlers, it is easy to understand that few would be ready to pay a large rent for a farm in a new and unknown land in which he ran a good chance of having his throat cut one morning by his Celtic neighbours. On the other hand, an Irishman would be inclined to offer something more than the fair market price in order that he might be in actual possession of a portion of the soil when the day of liberation came.[1]

It would be some time before the citizens of London learned whether the fine imposed upon them was to be exacted. In the end, after the expiration of four years, they received a pardon on surrendering their Irish estates and the payment of 12,000*l.*, which Charles wanted to give as a present to the Queen. Wentworth, who seems to have taken no very great interest in the investigation conducted in England, was nevertheless ready, after sentence had been given, to turn the occasion to the best profit for the King. The lesson of the Ulster difficulties, however, had no effect in causing him any hesitation in his resolution to treat Connaught as Ulster had been treated by James. In July he proceeded westward with the intention of finding a title for the King—in other words, of persuading or compelling the Connaught juries to acknowledge that the soil of the province belonged to

July. Wentworth prepares to visit Connaught.

[1] Notes of the proceedings in the Star Chamber, Jan. and Feb. 1635, *S. P. Ireland.*

the Crown for some reason intelligible only to the English lawyers, in spite of the solemn promise of the King that he would take no advantage of any such technicality.

Wentworth had no conception that it was possible for the Irish to resist excepting from interest or spite. He took his measures accordingly. He did not, indeed, as he might have done if his conscience had convicted him of wrongdoing, order the selection of juries composed of dependents of the Government. He ordered, on the contrary, that 'gentlemen of the best estates and understanding should be returned.' If the verdict of such persons was as he wished it to be, it would carry weight with it amongst their neighbours. If it was otherwise, they would be wealthy enough to 'answer the King a good round sum in the Castle Chamber.'

Selects the juries.

The Deputy's first attempt was made in Roscommon. He sent for half a dozen of the principal gentry, spoke them fairly, and assured them that, though the King had a clear and undoubted title to the whole of Connaught, he was ready to hear any argument which might be urged to bar his rights. The next day, after the case had been argued by the lawyers, Wentworth addressed the jury. He told them that his Majesty had been moved in the first place by his desire to make them 'a civil and rich people, which' could 'not by any so sure and ready means be attained as by a plantation. . . . Yet that should be so done as not to take anything from them that was justly theirs, but in truth to bestow amongst them a good part of that which was his own.' He had no need to ask them for a verdict at all. The King's right was so plain that a simple order of the Court of Exchequer would have been sufficient to give him all he claimed. His Majesty was, however, graciously pleased to take his people along with him, and to give them a part of the honour and profit of so glorious a work. Wentworth concluded with the strongest possible hint, that if they ventured to refuse to acknowledge the King's title, they would do so at their peril.

June 9. Wentworth in Roscommon.

July 10.

This mixture of cajolery and firmness bore down opposition in Roscommon. The jury returned a verdict for the King, and in Sligo and Mayo the same result was obtained The

Galway jury at Portumna gave the Deputy more difficulty. Wentworth was there in the territory of the De Burghs. The head of the family, the Earl of St. Albans and Clanricarde, had stood by Elizabeth when all Ireland was seething with rebellion. Ever since he had loyally kept his country in obedience to the Crown, but it was with the loyalty of a tributary king to his suzerain rather than with the fidelity of a subject. He had himself lived of late years in England, but his chief kinsmen exercised authority and dispensed justice in his name in Galway. Though sprung from the Norman invaders, the De Burghs had long been Irish in habits and religion, and they naturally looked askance on Wentworth's desire to establish the domination of Protestantism and of the English law on a soil so peculiarly their own. To the Deputy's surprise the jury boldly found against the King. His anger knew no bounds. He fined the sheriff 1,000*l.* for returning a packed jury, and directed that the jurymen themselves should appear in the Castle Chamber to answer for their fault. He further directed that steps should be taken to procure an order from the Court of Exchequer which would set the verdict aside, and that troops should be sent to Galway to make resistance impossible.[1]

He succeeds in Roscommon, Sligo, and Mayo.

The Earl of Clanricarde.

August. Resistance in Galway.

The jury called in question.

Wentworth's own explanation of these proceedings was that the verdict given did not express the real sentiments of the jurors. It had been dictated to them by the Earl's nephew and steward. It was no mere question of truth or falsehood. It was simply a question of loyalty to the Earl or loyalty to the King. Now therefore was the time to break the authority of this powerful chieftain. A fair opportunity was offered of securing the county 'by fully lining and planting it with English.' To do this it would be necessary to take from the pretended owners of land more than the fourth part, of which, by the rules of a plantation, those of the other three counties were to be deprived. His Majesty was 'justly provoked so to do, and likely to put a difference between them who force him to under-

Wentworth's explanation.

[1] Wentworth to Coke, July 4, 1635, *Strafford Letters*, i. 442.

take a suit at law for his own, and his other subjects who readily acknowledge his right.'[1]

Character of his treatment of the jury.

The chief lesson of Wentworth's history is missed by those who regard him as an oppressor and a tyrant beating resistance down before him in order to give free scope to his own arbitrary will. In truth the type of his mind was that of the revolutionary idealist who sweeps aside all institutions which lie in his path, and who defies the sluggishness of men and the very forces of human nature, in order that he may realise those conceptions which he believes to be for the benefit of all. The real objection to Wentworth's dealing with the Galway jury was, not that he respected it too little, but that he made use of it at all to attain an object which those who composed it regarded as unjust. He tried at one and the same time to reap the advantages of autocratic despotism and of legal government. The result was far worse than if he had interfered authoritatively with the strong hand of power. By consulting the jury and refusing to be bound by its verdict, he sowed broadcast the seeds of distrust and disaffection. He had bowed in semblance before the majesty of the law, only to turn upon it in anger when it ceased to do his pleasure. The King's authority would be associated more than ever in the eyes of Irishmen with unintelligible, incalculable violence. It was a force to be bound by no engagements, and acting by no rules which they were able to understand.

In the end, however, Wentworth's policy would stand or fall by the measure which he dealt out, not to the kinsmen and followers of Clanrickard, but to the mass of the population of the county. It is useless to deny that his intention was to benefit them. But here too there was a mixture of force and fraud which ruined what might have been the success of either. He wanted the Irish to be more orderly and industrious, more rational in religion and politics, higher in the scale of civilised beings in every way. Yet his own conduct was not such as he could fairly ask them to imitate. They knew that he proposed to deluge their land with English colonists, who would regard them

[1] Wentworth and the Commissioners to Coke, Aug. 25, 1635, *Strafford Letters*, i. 450.

with contempt, and who were only to be brought so far from home in order that they might keep them in awe, as the gaoler keeps his prisoners. They knew that he treated with contempt the religion to which they clung and the old ancestral reverence with which their chiefs inspired them. To Wentworth the relation which bound them to their chiefs was one of mere tyranny on one side and servitude on the other. He did not see, what the poorest Irish cotter saw, that that system which seemed to favour none but idle swordsmen and profligate cosherers, kept up in the hearts of the Celtic people the belief in the old principle which still survived as part of the old inheritance of the race—that the soil belonged not to this man or to that, but to the tribe which dwelt upon it. What did they know of the arguments of the Dublin lawyers, based upon technicalities which were but the froth and scum of an alien system of law. What were the flaws to be found in the grants of Plantagenet kings, or contrived by the roguery of Dublin officials, to them? They held that the land was theirs, and that it was not to be portioned out to any intruder who might come in by the good favour of a foreign ruler.

It does not follow that Wentworth was not right in proclaiming that the time had come when the system of tribal ownership must give way to the system of individual ownership. His mistake was that he did not even try to take along with him those who were most interested in the change. "If," said the inhabitants of Galway in a petition to the King, "pretension of manuring and bettering the country be the ground of plantation, if his Majesty be so pleased, they will undertake to effect such performances as any other planters would have done, the rather that they will make it appear how the country, though now in a good state, would be shortly much improved if the fear of plantations and other threatenings had not hindered them." Doubtless there were risks on this side, too, and it would require some pressure to obtain the fulfilment of these promises when the fear of danger was withdrawn. It would need the maintenance of a powerful army and the exertion of active diligence to see that the change was really effected; but there would have been the immense advantage of

Petition from Galway.

making it clear in the eyes of the Irish population that the English Government was on their side, and that it was in favour of the poor and oppressed Irishman, not in favour of the English adventurer, that its strong arm was ready to intervene. Above all, Wentworth would at last have had a case which would enable him to appeal to the sense of justice of those whom he governed. To say that the King's promises to the Connaught landowners were conditional upon the performance by those landowners of the duties which they owed to their own followers would have offended no man but those landowners themselves. To seize the lands of rich and poor, upon what every man knew to be a mere pretext, in order to build up upon the ruins a new society, the very foundations of which had yet to be laid, was to offend against the universal sense of right. There are times when institutions become worthless, when Parliaments and juries are mere cloaks for misgovernment and oppression. But behind Parliaments and juries lies the indestructible tenacity with which every population clings to the habits of life which it has inherited. Wentworth, for a time at least, might have set aside the institutions which were intended to be the organs of the population if he had reverenced the population itself. In hurrying on social changes which approved themselves to few excepting to himself, he courted disaster. He was building a house upon the sand. The flood would soon rise which was to sweep it away.

Wentworth failed where he believed himself to be strongest. At the bottom his life's work was contention, not so much for the Royal authority as for the supremacy of intellect. Yet it was his own intellectual conception of the Irish problem which had proved defective. "The voice of the people," as the first Parliament of James had declared, "is, in things of their knowledge, as the voice of God." If Wentworth saw things to which the Irish people were blind, they too, in their turn, saw things to which he was blind, with all his wisdom. There is no security that the wisest statesmen will not pursue a phantom of his own imagination. There is no security that popular feeling will not rush headlong into impatient and ignorant action. But the statesman guards himself best against the errors incident to his

calling who keeps his ear open to the indications of popular feeling which it is his duty to guide, as the people guard themselves best against the errors incident to their position when they keep their ear open to the words of experience and intelligence which it is their safety to follow. It was Wentworth's fault that he attempted to drive and not to lead, that he offended deeply that moral sense of the Irish community in cherishing which--far more than in the importation of hundreds of English soldiers or thousands of English colonists—lay the truest hope of the progress of Ireland in civilisation and in all things else.

CHAPTER LXXVII.

THE SECOND WRIT OF SHIP-MONEY.

To no man did Wentworth pour out his troubles and his difficulties as he did to Laud. The mind of the Deputy indeed was cast in a nobler mould than the mind of the Archbishop. He was less regardful of trivialities, and more bent upon attaining the higher aims of a statesman's life. In the main, however, the characters of the two men were formed upon the same lines. Both trusted to the influence of external discipline upon the minds of the people. Both were unwilling to admit that the ruler who had formed his own idea of right ought to be turned aside by the desire of complying with the wishes of the governed. Both were beyond measure energetic, and unsparing of themselves in the service of that master whose interests they believed to be identical with the interests of the State. Both were advocates of that which in the jargon of their confidential correspondence they called Thorough[1]—of the resolute determination of going through with it, as it might nowadays be expressed, of disregarding and overriding the interested delays and evasions of those who made the public service an excuse for enriching themselves at the public expense, or the dry technical arguments of the lawyers which would hinder the accomplishment of schemes for the public good.

1635. Wentworth and Laud.

Thorough.

It was a noble ambition by which these men were possessed, an ambition which was, however, none the less likely to overleap itself because it was not stained with personal selfishness or greed. It forgot that the desire to do good is not always an

[1] 'Thorough' and 'through' are the same words, and in the 17th century were spelt in the same way.

assurance of wisdom—that even the quirks of ignorant lawyers or the stupidity of an ignorant mob may be a useful safeguard against the hasty and thoughtless actions of men who believe themselves to be wise.

In the spring of 1635, however, Wentworth and Laud seemed to be carrying all before them. They were able to rejoice together over the removal of the man who was the impersonation of inactivity and selfishness. Portland, the cause, they thought, of all that was amiss, the Lady Mora of their correspondence, was dead. Month by month Laud had watched his irregularities, had dragged them to light before the King, and had been startled to find that Charles clung to his old minister in spite of all that could be said against him.

Laud fondly hoped that the system which Portland had established would come to an end with his life. When Edward Hyde, the young lawyer who was one day to become Earl of Clarendon, came to him to tell how the late Treasurer had thrown obstacles in the way of the merchants of London, with the sole object of benefiting a dependent by the obstruction, Laud replied that he knew nothing of such matters, but that as the King had, contrary to his desire, made him one of the Commissioners of the Treasury, 'he intended to spare no pains to enable himself to serve his master.'[1]

Conversation between Laud and Hyde.

The appointment of the Treasury Commission was only a temporary expedient. Amongst those who were regarded as likely to be ultimately selected as Portland's successor, Wentworth and Cottington were the most prominent, and it was believed that, on the whole, the King inclined to Wentworth.[2] It is useless to speculate whether, if the Lord Deputy had at this time transferred his services to England, he would have accelerated the outburst of resistance by his arrogant defiance of the popular will, or would have postponed it by the skilfulness of his repressive measures. For the present, however, it was impossible to recall him from Ireland. When Portland died in March, the Irish Parliament

Wentworth and Cottington named for the Treasurer's staff.

[1] *Clarendon's Life*, i. 22.

[2] Correr to the Doge, March $\frac{13, 20}{23, 30}$, *Ven. MSS.*

was still sitting, and Connaught was still unvisited. Partly in the hope that Wentworth's services might still be available in England, partly in order that a thorough and impartial investigation might be conducted into the financial position of his government, partly too from the natural irresolution of his character, Charles postponed the selection of a Lord Treasurer for some months to come.

Laud and Cottington at the Treasury Commission.

At the Treasury Commission Laud was the representative of Wentworth's ideas—less skilful indeed, and far less likely to seize the true point at issue in a complicated question, but to the full as pertinacious and as resolute to set the service of the King above all other considerations. Both here and at the Committee for Foreign Affairs, he found himself opposed by Cottington, whose faults and merits alike were in glaring contrast with the faults and merits of the Archbishop. When Laud willed anything he willed it with all the fixity of purpose of an earnest if narrow mind. He was utterly ignorant of the ways of the world, and, as he had told Hyde, he had no acquaintance with the special business of the Treasury. His moral indignation against the carelessness and the worse than carelessness of officials filled the sails of his purpose, and he drove straight to the mark before him, reckless what offence he gave or what difficulties he laid up in store for the future. For himself he had no private ends in view, no desire of pelf or vainglory, no family to provide for or state to keep up. Cottington, on the other hand, was swayed neither by zeal for the public good nor by scrupulous regard for justice. He would be content if only, whatever happened, the barque of his fortunes remained floating on the tide. Never at a loss for a courteous word to those who sought his favour, he was never known to do a kind action which entailed loss upon himself. If there was anything which he really respected it was the Church of Rome and the Spanish monarchy. Yet the representatives of the Church of Rome and of the Spanish monarchy did not cease to complain that they could never be sure whether he was in earnest or not, or to express a belief that in all probability he meant to trick them in the end. He had a superficial knowledge of most things, without knowing anything thoroughly.

As Chancellor of the Exchequer, however, he had acquired a close acquaintance with the details of financial business, which, together with his perfect command over his own temper, gave him an enormous advantage over his irritable rival. Nothing pleased him so much as when he could contrive, by gravely defending some untenable proposition, to excite the anger of the irascible Archbishop, in order quietly to turn the laugh against him in the end. Nor was the conflict between the two men so entirely unequal as the difference between their moral natures would seem to show. Laud brought with him to the Treasury the same errors which were the cause of his misgovernment of the Church. Just as outward form and ceremony was to him not merely the sign but the very source of Christian unity, so he never got beyond the idea that to gather money into the Treasury was the sign and source of the political strength of a financier. It was enough if material wealth were at his command, and he never stopped to ask whether the moral forces upon which the constant supply of wealth ultimately depended were also on his side. Cottington was very far from seeing the root of the evil, but he had tact enough to know that even a surplus might be dearly bought at the cost of exasperating the nation.

Cottington was the more to be dreaded as an antagonist as he had lately received a special mark of the King's favour. Sir Robert Naunton, Master of the Court of Wards, was old and in ill-health, and Cottington was selected by the King as his successor. The Earl of Salisbury, it is true, had received a promise of the reversion of the place, but Salisbury was notoriously incompetent to fulfil the duties of any office calling for the exercise of the most ordinary ability, and a letter drawn up by Cottington himself informed him that though his Majesty would not forget him, he would not make him Master of the Wards.[1] It was more difficult to deal with Naunton himself. Ill as he was, he was hopeful of recovery, and he would not hear of retiring. It was only by the direct intervention of the King, accompanied by general promises of favour, that he was at last induced to surrender his office. A

March.

[1] Cottington and Windebank to Salisbury, Feb. (?), *S. P. Dom.* cclxxxii 110.

few days later the poor man was petitioning for a pension granted him by the late King, which had remained unpaid for years. He died almost immediately after the petition had been penned.[1] Cottington had some days before taken possession of his office, which became in his hands more profitable to the Crown than his predecessor had made it.

March 16. Cottington Master of the Wards.

It was not long before Laud began to doubt whether much had been gained by Portland's death. In all his efforts to obtain a thorough investigation of the finances he was met by difficulties moved by Cottington. At last the quarrel came to a head over an arrangement which had been made by the late Lord Treasurer for improving the manufacture of soap, and for filling, at the same time, the pockets of his friends.

The soap monopoly.

The origin of the soap monopoly which came in the end to stir up the ill-feeling of the people against the Government and to set rival ministers by the ears was a humble one. Certain persons had obtained a patent in the preceding reign for the manufacture of soap by a new process, from materials produced within the King's dominions. This grant was confirmed in December 1631 by a patent in which the Monopoly Act was distinctly appealed to in words which show the anxiety of those who drew it up to keep within the limits of that statute.[2]

1631. December. First soap patent.

So far nothing illegal had been done. It is, however, proverbially difficult to draw an Act of Parliament so as to secure it completely against evasion, and the Monopoly Act proved no exception to the rule. The legislature had distinctly excluded corporations from the incidence of the Act, and as it was a legal maxim that the King could found corporations for the benefit of trade, it was in the King's power to create as many monopolies as he pleased by placing the sole right of manufacture in the hands of a corporation instead of conferring it upon an individual. Nor were the King's powers exhausted here. He claimed a general right of super-

1632. Jan. 20. The Soap Company.

[1] Petition, *S. P. Dom.* cclxxxv. 74.

[2] Grant to Jones and others, Dec. 17, 1631. *Pat.* 7 *Charles I.* Part 10.

vision over trade for the benefit of the community, which, if he chose to make use of it, would entitle him, in the eyes of the prerogative lawyers, to interfere with commercial transactions in every possible way. In the exercise of these powers, Charles, early in 1632, erected a company of soap-makers to buy up the rights of the patentees. The company engaged to produce by the new methods 5,000 tons of soap a year, and to pay into the Exchequer 4*l.* for every ton sold by them, which upon the quantity named would bring in 20,000*l.* a year. They engaged to retail the soap at the low price of 3*d.* a pound. The King was, on his part, to prohibit the export of tallow and potash, in order that the materials of the manufacture might be attainable at a cheap rate. No monopoly was granted to the company, excepting for the new invention which they had secured, but they were empowered to test all soap made by independent persons, and to prohibit its sale unless it had been marked by them as sweet and good.[1]

It is authorised to test all soap manufactured.

The last provision was as impolitic as it was oppressive. By it the independent soap-makers were subject to a test imposed not by an impartial official, but by the very men who were their rivals in trade, and who had every interest in pronouncing their productions to be deficient in quality. The suspicions to which the grant of powers so enormous naturally gave rise were strengthened when it was known that the greater number of the members of the new company were selected from the clique of Roman Catholics who had attached themselves to Portland, and who were finding so many opportunities of enriching themselves through his protection.

Oppressive nature of this permission.

Whilst the minds of those who were engaged in the soap trade were still in a state of excitement, a proclamation appeared forbidding the use of any oil other than olive or rape oil in the manufacture. The employment of fish oil, which had been much used for many years, was thus prohibited, on the ground that soap so made was bad.[2]

June 28.

[1] Erection of the Corporation, Jan. 20. Indenture, May 3, 1632, *Pat.* 7 *Charles I.*, Part 12. 8 *Charles I.*, Part 5.

[2] Proclamation, June 28, *Rymer*, xix. 383.

The soap-makers protested in vain. They retorted that the Company's soap was as bad as theirs was good, and they found many believers. The question between the Company and the soap-makers rapidly assumed the dignity of an affair of state. The Council charged the soap-makers with suborning persons to spread false rumours to the disparagement of the Company's soap, and ordered the Attorney-General to commence a prosecution in the Star Chamber of some of their number who persisted in carrying on the manufacture without submitting to the Company's test. In order to meet the rumour by other means than prosecution, the Council directed that the new soap should be submitted to an impartial tribunal. The Lord Mayor, the Lieutenant of the Tower, together with sundry aldermen and men of note, were formed into a court of inquiry.[1] When the court assembled, two washerwomen were introduced, to one of whom was handed a piece of the Company's soap, whilst the other was supplied with soap procured elsewhere. Tubs were brought in and a bundle of dirty clothes. When each washerwoman had done her best, the court pronounced that the clothes washed with the Company's soap 'were as white and sweeter than' those which had been operated on by the production of the independent manufacturers. To add weight to this decision a declaration in its support from more than eighty persons of various ranks, peeresses and laundresses being included, was circulated with it, and to this was appended a statement that the opinions said to have been given against the soap were not really the opinions of those to whom they had been attributed, or else that they had been 'procured by persons who had no experience in the said soap.'

1633. Resistance of the soap-makers.

November. Star-Chamber prosecution ordered.

Dec. 6. Court of inquiry constituted.

Soon after this report had been received, the Privy Council wrote to the justices of the peace in commendation of the virtues of the authorised soap. Its recommendations were received with a smile of incredulity. It seemed so probable that the Council cared more

1634. February. The Council urge the use of the new soap.

[1] Orders of Council, Dec. 6, 1633, Jan. 29, 1634. The Council to the Justices, Feb., *S. P. Dom.* cclii. 21, cclv. 34, ccix. 119.

about their rent of 20,000*l.* a year than about the excellence of the manufactured article. When the agents of the Company visited private works in order to seize untested soap, the owners were able to raise a mob against them. The agents complained that their clothes were torn and their lives in danger. The Company called upon the Council to come to its assistance with that protection without which it would be ruined. Unpopular as monopolists, the members of the Soap Company were additionally unpopular as being for the most part Catholics, and it was even believed in well-informed quarters that much of the money invested had been raised by the Jesuits. The new soap was known in the streets as the Popish soap. It was hard to drive a successful trade in the face of such obstacles.[1]

September. Soap riots.

Like the patentees of gold and silver thread fourteen years before, the Company was now in difficulties through the impossibility of securing itself against competition. It had incurred considerable expense in establishing its business, and it had been unable to make the promised payments to the Crown. Its charter was thus forfeited by the non-fulfilment of its conditions. Yet the Council continued to take its part, and ordered the arrest of offenders against its regulations.[2]

Sept. 27. The Soap Company in difficulties.

Such was the position of affairs when Portland died. The Company had been so entirely his creation, that the independent soap-makers saw in his death the signal for their triumph. They came forward with the most lavish offers. If only they were formed into a corporation in the place of their rivals, they were ready to pay 8*l.* a ton into the Exchequer, instead of the 4*l.* which the Company had offered.

1635. Offers of the independent soap-makers.

[1] "E pur troppo vero che qualcuni, per non dir molti, in particolare Gesuiti e Benedettini, hanno mutato il negotio delle anime in quello delle borse; et in particolare si dice del detto Basilio," *i.e.* Sir Basil Brooke, "et suo compagno, che con danari de' Gesuiti sia entrato in un traffico d' un nuovo sapone, il quale, perche a questa plebe non piace e conosce l' autore, lo chiama sapone papistico." Panzani's letter, $\frac{\text{Jan. 30}}{\text{Feb. 9}}$, 1635, *R. O. Transcripts.*

[2] Petition of the Company, Sept. 29. Order in Council, Sept. 29, *S. P. Dom.* cclxxiv. 52, 53.

The share of the King in the proceeds of the manufacture would thus have been raised, upon the estimated rate of 5,000 tons yearly, from 20,000*l.* to 40,000*l.* a year.[1]

Laud took their part. He was doubtless content, like the rest of his contemporaries, to believe that it was a good act to encourage the manufacture of soap made out of English materials in the place of the manufacture of soap made out of foreign materials; but he thought that if this principle could be maintained, it would be better to entrust the work to persons practically acquainted with the business, than to a body of gentlemen whose only qualification was the possession of Court favour. Cottington, however, thought otherwise. The friends of Portland were in the main his friends, and he fought hard against Laud at every stage of the discussion. Laud, indeed, unintentionally placed arms in his opponent's hands. Instead of advocating the cause of his clients on the ground upon which they were strong, he supported them on the ground on which they were weak. If it was wrong to levy 20,000*l.* a year from the existing Company, it was still more wrong to levy 40,000*l.* from their rivals. If the price at which the soap was sold could not bear the burden, the sellers would be ruined. If it could bear the burden, a new form of indirect taxation would be imposed by the royal prerogative. It may easily be understood that neither Laud nor Cottington cared to enter upon the question involved in this last consideration. On the simple ground that 40,000*l.* would be better for the Exchequer than half that sum, Laud beat Cottington from point to point. But he bitterly complained that Cottington had always an argument in reserve: 'when all holes are stopped, then the King could not do it in honour, and God knows what.' On Laud's own showing, Cottington was plainly in the right. Unless the charter were attacked on higher grounds, it was not for the King's honour that a compact deliberately entered into should be annulled simply because others offered to pay a larger sum into the Exchequer. In the end the Company's rights were continued on the understanding that they would advance 10,000*l.* for the

June. Contention between Laud and Cottington.

[1] Laud to Wentworth, June 12, *Laud's Works*, vii. 138.

King's immediate necessities, to be deducted from their future payments.[1] The payments were to be 30,000*l.* for the next two years, and 40,000*l.* afterwards.[2] Laud had therefore gained his point with respect to the money, whilst Cottington had his way about the persons. The independent manufacturers paid the penalty. They were delivered over to fine and imprisonment in the Star Chamber whenever they ventured to make soap without submitting their articles to the inspection of the Company's searchers.

July. The Company continued.

Laud's anger, when once it was aroused by any suspicion of slackness in the service of the King, was not easily allayed. He was convinced that the Company would never pay the money, whilst he was equally convinced that there would be no difficulty in obtaining it from his own favourites. All who had taken Cottington's part in the business were included in his displeasure. The desertion of his old friend Windebank vexed him greatly, so greatly that he broke off all ties of friendship with a man whom he had raised to the Secretaryship and who had now turned against him. It was very pitiable, but it was something more than a mere difference of opinion which angered him. He had discovered that Portland had been bribed with 2,000*l.* by the Company, and he saw in Cottington the continuator of Portland's want of principle. He was disgusted with his disingenuousness, and with his disposition to shrink from going to the root of difficulties. To Wentworth he poured out his distress freely. If Portland had been the Lady Mora, Cottington was the Lady Mora's waiting-maid. All he wanted was to get the Treasurer's staff and to fill his own pockets, as Portland had done before him.[3]

Laud's quarrel with Windebank.

The impulse which Laud's presence gave to the Treasury Board could not possibly remain without effect. Old accounts were subjected to a thorough investigation, new sources of revenue were opened up, and old claims refurbished for modern use. In Portland's time few

Energetic action of the Treasury Commission.

[1] *Receipt Books*, July 17. Hallam was mistaken in supposing this money was paid as a fine for the renewal of the charter.

[2] Garrard to Wentworth, July 30, *Strafford Letters*, i. 445.

[3] Laud to Wentworth, July 31, *Laud's Works*, vii. 155.

new demands had been advanced. There was a good deal of peculation, but scarcely any taxation to which people were not already accustomed. The compositions for knighthood were universally acknowledged to be legally due to the King. Even the payment of ship-money by the port towns had given rise to no general objection. Scarcely was Portland in his grave when all this was changed. To fill the King's exchequer was the first thought with Laud and with those whom Laud was able to influence.

The forest claims were now vigorously pushed forward. On April 8, the blow at last fell upon the Essex landowners. The Court which had adjourned in the preceding autumn was re-opened by Holland, and this time Finch appeared as an assessor on the Bench. Sentence was given for the Crown. All lands to the south of the road from Colchester to Bishop's Stortford were adjudged to be within the limits of the forest. Holland explained that, though he was bound to carry out the sentence of the Court, he would do what he could to mitigate its violence.[1]

April 8. Essex Forest Court.

Mitigated or not, the sentence delivered in Essex could not fail to propagate the belief that the King was determined to strain his technical rights in order that he might reap a pecuniary advantage. The issue of a Commission on depopulations pointed in the same direction. In the preceding October Sir Anthony Roper had been sentenced to a heavy fine in the Star Chamber for allowing fields which had once been cultivated to be desolate, and for ejecting the cultivators from their homes. The Commissioners were directed to inquire into similar cases, and to compound with the guilty upon payment of a fine. It looked as if there was more thought taken for the money to be paid for condoning the evil than for the redress of the evil itself.[2]

May. Commission on depopulation.

It was but another step in the same direction when Coventry announced that the King had resolved to give a further extension to the writs of ship-money. On June 17 the Lord Keeper

[1] Abstract of Proceedings in the Statements on behalf of the Commissioners of Works, p. 37. *Epping Forest Commission.*

[2] *Rushworth*, ii. 333. Commission, May 8, *Pat.* 11 *Charles I.* Part 5.

addressed the judges according to custom before they left London for the summer assizes. The first part of his speech may be accepted as an exposition of Charles's system of government in its ideal form. He spoke to the judges of the care which it behoved them to take to do equal justice between rich and poor, to guard against 'the corruptions of sheriffs and their deputies, the partiality of jurors, the bearing and siding with men of countenance and power in their country,' to make 'strict inquiry after depopulations and inclosures, an oppression of a high nature and commonly done by the greatest persons that keep the juries under and in awe, which was the cause there are no more presented and brought in question.'

June 27. Coventry's speech to the judges.

To maintain the right of the weak against the strong was, according to Coventry, the special glory of the Crown. The records of the Star Chamber, scanty as they are, show how ill its action could be spared in this respect. Sir Francis Foljambe, for instance, laid claim to certain tithes. A verdict having been given against him, he 'being a person of great power in the country,' sent men upon the land, who, 'riotously beat the work-folks and carried away the corn.' Sir Henry Anderson, again, took offence against a person named Poole for refusing to sell him a rectory, threatened to set fire to his tenants' houses, picked a quarrel with him, and with the help of his servants gave him a sound beating. Another case was that of John Dunne, who 'at such time as Nathaniel Dunne was giving evidence against him at a quarter sessions upon an indictment for the King, did interrupt him, pinched him backward, and struck him with his hand, and thereby enforced him to go away without giving evidence.'[1] Coventry's practical acquaintance with such facts as these might lead him to doubt the wisdom of placing uncontrolled supremacy in the hands of an assembly consisting mainly of country gentlemen.

Oppression of the weak to be resisted.

The time had now come when it would be necessary for the King to be more than the guardian of internal peace. At the moment at which the Lord Keeper was speaking the French and Dutch armies were laying siege to Louvain, after

[1] *Rushworth*, ii. App. 40, 53, 56.

the sack of Tirlemont. Was England sufficiently protected against a similar attack? "Christendom," he said, "is full of wars, and there is nothing but rumours of wars. What hath been done of late years abroad by fire and sword it were a pity and grief to think of, yet we have had the goodness of God and his Majesty's providence all this while, and have enjoyed a most happy peace and plenty. As it is a good precept in divinity, so it holdeth in polity too, *jam proximus ardet*, which if we observe to defend ourselves, it would be a warning to all nations, and we should be the more assured to enjoy our peace if the wars abroad do make us stand upon our guard at home. Therefore no question it hath ever been accustomed the greatest wisdom for a nation to arm that they may not be enforced to fight, which is better than not to arm and be sure to fight."

Coventry draws attention to the danger of a foreign attack.

Coventry next proceeded to speak of the fleet which was then at sea under Lindsey's command. Even Charles's extreme claim of the sovereignty of the seas was depicted by the Lord Keeper as a purely defensive measure. "The dominion of the sea," he said, "as it is an ancient and undoubted right of the Crown of England, so it is the best security of the land. The wooden walls are the best walls of this kingdom." A manufacturing and commercial people would be courting ruin if the outlets of its trade were left at the mercy of foreign nations. His Majesty had found it absolutely necessary to increase the strength of his fleet in the coming year. Then followed the conclusion inevitably, as it might seem to Coventry. "Therefore," he said, "upon advice he hath resolved that he will forthwith send out new writs for the preparation of a greater fleet the next year; and that not only to the maritime towns, but to all the kingdom besides; for since that all the kingdom is interested both in the honour, safety, and profit, it is just and reasonable that they should all put to their helping hands."[1]

Explains the claim to the sovereignty of the seas.

June 17. Announces that ship-money must be paid by all.

There are moments in the life of men by which the whole

[1] *Rushworth*, ii. 294.

course of their future lives is sensibly affected. Looked back upon from amidst the gloom of a ruined career, they stand out with awful distinctness against the background of a forgotten past. At the time, the step taken, or the opportunity lost, slipped by unnoticed. It was then but one in a chain of causes and effects, with nothing in it calling for special remark or demanding any careful or anxious consideration. So it was with these words of the Lord Keeper. All that he seemed to ask was that the charges necessary for the service of all should be borne by all. In our days no minister would dream of dealing with the question in any other spirit. No Chancellor of the Exchequer would venture to impose the charge of the navy upon Hampshire and Yorkshire whilst Derbyshire and Worcestershire went free. Coventry's argument that the protection of English commerce concerned the man who kept sheep on the Cotswolds or who sat at the loom at Leeds as much as the shipowner who sent the finished cloth across the sea, was unanswerable.

Importance of this demand.

Upon the further question of the right of the Crown to levy money which it was undeniably desirable to levy, Coventry was entirely silent. It was most unlikely that others would be equally silent. The old maxim of the English constitution, that those things which were for the good of all must be provided by the common consent of all, would be certain to make itself heard once more. Even if Charles had meant no more than Coventry meant, if it had never entered into his head to employ in wanton or unwise aggression the fleet which he needed for defence, it could never have been safe to entrust a King with the permanent right of maintaining an armed force which he might employ in defiance of the express wishes of the nation. Then too there was the further question of the right of taxation. Charles might attempt to explain his demand for money as a mere extension of his right to demand personal service from everyone. The common sense of Englishmen told them that it was not so. If money might be levied to-day under this pretext, it might be levied under some other pretext to-morrow. Englishmen would be taxed, not by their representatives in Parliament, but by the

Coventry's silence on the right to levy.

King and the Council. With the loss of control over taxation all chance of controlling the political action of the Court would go at the same time. The nation might not always be wise in its desires or in the remedies to which it looked. It might cherish in its bosom men who would enlist its sympathies for selfish ends, or who would use the positions which they occupied for the gratification of their avarice or their passions. Much that Coventry and Wentworth said of the evils of popular government was undeniably true. But the remedy which they proposed was worse than the disease.

The extension of ship-money to the inland counties was not the only inroad upon the property of the subject made under the influence of the Treasury Commission.

July 16. Increase of customs.

Portland had thought himself well off to be able to collect tonnage and poundage very much as it had been collected by his predecessors. There had been an additional impost upon tobacco, and an additional export duty upon coals, with the view of keeping that precious mineral from finding its way abroad. Besides these and a few other trifling exceptions, whatever increase of revenue derived from customs there was, was due to the growth of commerce and not to increase of taxation.

The average ordinary revenue of the Crown, calculated on the five years ending in December 1635, was about 618,000*l.*

Revenue of the Crown.

The same revenue in 1623 had been 570,000*l.*, showing, if allowance be made for the difference of form in which the accounts were rendered, an increase of no more than 48,000*l.* in eight years. Of this difference, only 5,000*l.* is to be set down to the account of customs duties of various kinds, the remaining 43,000*l.* having been obtained from other sources, 15,000*l.* for instance, being set down to the Court of Wards, and 8,400*l.* being the amount of additional payments secured from recusants alone.

The deficit.

The annual deficit on the ordinary account was 18,000*l.*, the whole of the ordinary expenditure being calculated at 636,000*l.*

If therefore the Soap Company fulfilled its promises, in spite of Laud's doubts, the ordinary expenditure would be more than covered. It does not follow that there would have

been a real balance between revenue and expenditure. Besides the ordinary budget, there was a budget of extraordinary receipts and payments. During the ten years of Charles's reign which ended in the spring of 1635, the extraordinary payments had reached 2,847,597*l.*, whilst the extraordinary receipts had reached only 2,596,305*l.*, leaving a sum of 251,292*l.* to be covered by the constant anticipation of the revenue of future years. The extraordinary expenditure had been to a great extent caused by the expenses of the war at the beginning of the reign; but it was by no means limited to those expenses, and it is probable that an additional 100,000*l.* at least would have been needed to produce an actual balance of the revenue and expenditure. Besides this, the debt still requiring payment stood at 1,173,198*l.*[1]

Extraordinary budget.

Such was the result of the thorough investigation into the financial state of the exchequer upon which Laud had insisted. Long before it was completed, the need of money had driven the Treasury Commissioners to make fresh demands upon the nation. As in the case of ship-money, Coventry was employed to put the best possible face upon the business. On May 28 he had announced to the Privy Council that 'for the better balancing of trade in relation to the impositions in foreign parts upon the native commodities of this kingdom, it was advisable to draw up a new book of rates.' The new book of rates resulted in an augmentation of the duties levied estimated at no less than 70,000*l.*[2] If Laud and his colleagues were to proceed in this fashion, it was certain that if Parliament ever met again in time of peace, the power of the purse would no longer be in the hands of the House of Commons.

July. Customs increased.

[1] See the financial tables in the Appendix. Ranke's statement (Engl. tr. ii. 31) that the interest absorbed the greater portion of the revenue is in glaring contradiction with his own figures. On the forced loan, besides, no interest was paid, and some of the rest was in the same condition. Where interest was payable, it does not follow that it was paid.

[2] *Council Register*, May 18. Estimate of the revenue from customs, July 16, *S. P. Dom.* ccxciii. 127. The whole revenue from customs is there reckoned at 350,000*l.*, or more than half of the receipts.

Would peace, however, be maintained? The cloud which, whilst Coventry was speaking to the judges, overhung the Spanish Netherlands had passed away, and Charles was able complacently to inform Necolalde that his fleet had contributed, by its protection of Dunkirk, to so desirable a result.[1] But behind the question of the Netherlands lay the question of the Palatinate, which Charles could neither let alone nor take up effectively. The news of the exclusion of his nephew from the benefit of the Peace of Prague touched him deeply, and his sister had been still more affected by it. Once more she appealed to him for active assistance. The treaty, she said, would open his eyes, and the eyes of all in England, 'if they be not shot out with pistols.'[2] In the Foreign Committee, however, pacific counsels prevailed, and in this respect Laud was likely to meet with no opposition from Cottington or Windebank, upon whom the conduct of the secret negotiations with Spain now exclusively devolved. The young Elector would complete his eighteenth year in the winter, and it was thought right in England that, before taking up arms, he should make a formal offer of his submission to the Emperor, and should demand in return to be invested with his father's lands and dignities, in order that no prejudice might follow the neglect of such legal formalities. Charles thus found an excuse for reconciling the duty of aiding his nephew with his desire to do nothing at all. In vain his wife painted in brilliant colours the advantages of an alliance with France. In his letters to his sister he explained that it was better for him not to avail himself of the overtures of the French too soon. By delaying a little he might force them 'to unmask and deal plainly upon more equal terms.' It was at last arranged that Lord Aston—the Sir Walter Aston of James's reign—should go as ambassador to Madrid, and that John Taylor, half a Spaniard himself by birth,

Foreign complications.

The Palatinate again.

[1] Necolalde to Oñate, $\frac{\text{July } 31}{\text{Aug. } 10}$, *S. P. Spain.*

[2] Elizabeth to Roe, July 2, *S. P. Dom.* ccxciii. 14.

should be despatched to Vienna, to feel his way with the Emperor before a formal embassy was sent.[1]

When the first writ of ship-money was issued, the intention of Charles was to use his fleet against the Dutch in alliance with Spain. Now that the second writ, with its far larger demands upon the patience of Englishmen, was preparing for issue, he had no decided policy of any kind. He was equally ready to employ his fleet against France in alliance with Spain, or to employ it against Spain in alliance with France. Whether he was to take one side or the other was to depend not on any consideration affecting the interests of England, still less on any consideration affecting the interests of humanity, but simply on considerations touching the personal interests of his nephew.

What was Charles's policy to be?

No stirring appeal to the English people to accompany the call upon their purses was therefore possible. In the writ which came forth on August 4, the demand was justified on the ground 'that as all are concerned in the mutual defence of one another, so all might put to their helping hands for the making of such preparations as, by the blessing of God, may secure this realm against those dangers and extremities which have distressed other nations, and are the common effects of war whensoever it taketh a people unprepared.'

Issue of the second writ of ship-money.

From these words it was evident that Charles contemplated not a temporary measure to resist a sudden danger, but a permanent taxation to oppose any possible risk from a hostile force. Why then, men naturally asked one another, was not the nation itself consulted? Why was not Parliament summoned to provide a remedy for the evil? A phrase which sprung into existence in these first days of doubt and hesitation had a long and brilliant future before it. The new writ, it was said, violated the fundamental laws of England. It mattered little that no one could point out what those fundamental laws were, any more than their ancestors could have pointed out precisely what were the laws of Edward or Edgar

The fundamental laws.

[1] Coke to Boswell, July 30, *S. P. Holland.*

the renewal of which they claimed. What they meant was that the English people had never entirely relinquished their control over their own destinies, nor had ever so put themselves like sheep into the hands of any king as to suffer themselves to be tended or shorn at his arbitrary will. Not in statute or precedent, not even in the Great Charter itself, but in the imperishable vitality of the nation, lay the fundamental laws of England.

The phrase which was soon to become so familiar seems to have started into life amongst those courtiers of the Queen who were calling for a Parliament to force upon the King a French alliance.[1] It was, however, easily repeated, and it soon became the watchword of the common feeling of dissatisfaction which was slowly spreading over the kingdom.

Feeling of the nation.

As yet, as far as we can judge, the feeling which prevailed with respect to the King was still one rather of dissatisfaction than of positive disapprobation. He had not committed the nation to any action which was distinctly unpopular. The fleet which had kept the sea during the summer had done but little, good or bad. Nor was the pecuniary pressure of the ship-money great enough to be felt as crushing. The sum required was 208,900*l.*, or about two-thirds of the sum levied by gift of Parliament in the year in which the Petition of Right had been granted, and only exceeding by about 70,000*l.* the annual average of the amount levied in subsidies during the first four years of the reign.[2] The real grievance beyond that which attends any demand whatever for money was that the King had deliberately treated the nation as a stranger to his counsels, and that if his claim to levy money by his own authority were once admitted the door would be opened to other demands of which it was impossible to foresee the limits.

[1] Salvetti, in his *News-Letter* of $\frac{\text{Sept. 30}}{\text{Oct. 10}}$, ascribes it to the Puritans, but the Queen's party at Court were Puritans in his vocabulary, and I fancy from his language that these are intended by him.

[2] The subsidies collected since the beginning of the reign were 612,387*l.* The result given above is obtained by allowing 52,000*l.* for arrears left uncollected after March 1629.

The growing impression that Charles was using technical law to secure possession of absolute power received some aliment from the persistency with which he continued to urge his forest claims. Holland had held his court at Winchester, and had struck at a victim more likely to make his voice heard at Court than the Essex landowners had been. The young Earl of Southampton was called in question for a great part of his estate at Beaulieu, and it was said that if sentence were given against him his income would be reduced by 2,000*l.* In October the blow fell. It was not likely that the King would prove inexorable to the Earl's petitions for relief; and in fact Charles, after keeping him nine months in suspense, issued a pardon by which all future claims of the Crown were abandoned.[1] It was none the less annoying to Southampton to be reduced to beg for the restitution of that which, but for the quirks of the lawyers, he might fairly regard as his own property.[2]

August. Holland in the New Forest.

October.

The view which Charles took of these forest claims was one which would bring more odium upon his government than the benefit which he derived from them was worth. In September he issued a commission to Holland and others, authorising them to grant pardons for encroachments upon Dean and Essex Forests to those who were willing to pay a moderate sum into the exchequer, and even to proceed to their disafforestation, if they could obtain the assent of those who were most interested in the measure.[3] If, therefore, Charles was far from converting his claims into engines of tyrannical oppression, or from wishing to draw from his subjects those enormous sums with which history has credited his memory, he allowed himself, for the sake of a few thousand pounds to be regarded as a greedy and litigious landlord rather than as a just ruler or as a national King. Every man who would have to draw from his purse the small sum needed to satisfy the royal demand, knew that the claim itself

September. Commission for Dean and Essex Forests.

[1] Pardon, July 8, 1636, *Patent Rolls*, 12 *Charles I.*, Part 20.

[2] Garrard to Wentworth, Oct. 3, *Strafford Letters*, i. 467. That sentence was given against him is proved by his subsequent pardon.

[3] Commission, Sept. 28, *Rymer*, xix. 688.

was founded on no broad principles of justice. He learned to regard his sovereign as an unfortunate suitor regards a sharp-witted and unprincipled attorney, who has succeeded in plundering him through his superior knowledge of legal technicalities.

All this while the struggle between Laud and Cottington at the Treasury Commission was being carried on as vigorously as ever. Cottington had actually succeeded in bringing round the Queen to his side, partly perhaps by holding up Wentworth's invincible probity as a bar to her hopes of obtaining good things for herself and her family, partly too by his lavish offers to support the French alliance, which he was secretly doing his best to undermine.[1] Laud, moreover, was at the disadvantage of having as yet no candidate of his own to propose who was likely to be acceptable to the King, now that it had become less probable than ever that Wentworth, with the work of carrying out the plantation of Connaught before him, would be able to relinquish his post in Ireland. Even the King, much as he esteemed Laud, was not insensible to his rival's compliant flattery. Ever since the preceding year he had been bent upon enlarging Richmond Park, and had issued a commission to compound with the owners of lands within the projected boundary.[2] Some of these owners refused to part with their property, and Charles, impatient of resistance to his wishes, ordered that a brick wall should at once be built round the circuit of the new park, thus cutting them off from the surrounding country and depriving them of the value of their land. To Laud the whole scheme was most distasteful. Not only did it infringe upon the rights of property, but it would entail an expense of many thousand pounds. What hope was there of effecting a balance between the revenue and the expenditure, if Charles could not control his desire for personal gratification? When the demand for the money was brought before the Treasury Board, the Archbishop opposed

Cottington in favour with the Queen.

Richmond Park to be made.

August. Laud protests against the expense.

[1] Seneterre's despatches are full of the intrigues of 'ce fourbe de Cottington,' as he calls him.

[2] Commission, Dec. 12, 1634, *Rymer*, xix. 585.

it stoutly. These were not times, he said, for the King to spend anything in buildings of mere show. He was much astonished to find that there were men who had put such thoughts into his Majesty's head. Cottington, who knew himself to be aimed at, and who had privately remonstrated with the King in the same sense as Laud, nevertheless saw an opportunity of currying favour with Charles by appearing in his defence. They were not there, he said, to discuss whether his Majesty's intention were good or bad, but simply to put it into execution. As for himself, he did not think that the King was so poor as not to be able to meet a demand made on him for his own private pleasure, even if it entailed considerable expense. It was he who had advised his Majesty to do what he had done, knowing that there was nothing wrong in it. Laud, hearing this astounding confession, reproached Cottington bitterly, and the sitting broke up in confusion. When Charles heard what had passed he only laughed at Laud for being so easily taken in, and showed more favour than ever to Cottington. There were those who thought that he was secretly pleased to find a servant who was ready to tell a falsehood in order to take upon his own shoulders the blame which ought to have devolved on his master.[1]

The King disapproves of his conduct.

Laud had the mortification of seeing the continuance of the expense; 10,900*l.* were paid during the next six months for building the wall, and the compensation of the owners of the soil would be likely to cost much more. Cottington was in higher favour than ever. In the beginning of October it was almost universally believed at Court that he had secured the Treasury.[2] The discovery that Charles was not to be depended on in resisting extra-

October. Cottington thought sure of the Treasurership.

[1] The story told by Clarendon (i. 208) is demonstrably placed at a wrong date, and differs in most particulars from that told by Correr in his despatch of Aug. $\frac{6}{16}$. Still they are manifestly two forms of the same story, and I have not hesitated to give the preference to the contemporary narrative, borrowing a point here and there from Clarendon.

[2] Wotton to Cottington, Oct. 4, *S. P. Dom.* ccxcix. 4; Correr to the Doge, Oct. $\frac{9}{19}$, *Ven. MSS.*

vagance was a heavy blow for Laud. "Now," he wrote, in commenting on Windebank's opposition, "the course hath fallen out otherwise with me, and so as I little expected, for I have all fair carriage and all other respects in private, but in the public he joins with Cottington; insomuch that in the soap business, where I thought I had all reason on my side, I was deserted, and the opposite assisted by him; and not in this alone, but in the Commission for the Treasury, Windebank went stiffly, with Cottington and the rest, that it was not fit, nor no good could come of it, that the King should know his own estate. Now the thing that troubles me is this, that all should be as fair, and as much profession as ever, and a desertion of me in such open, honourable, and just ways as this." Such is the picture of Charles's Court drawn by Charles's most devoted supporter. "I am alone," he said, "in those things which draw not private profit after them."[1]

Laud's complaints.

The antagonism between the two men and the two systems which they advocated came to its height in the Star Chamber. A certain Sir Anthony Pell had long had claims against the Crown, and had found it impossible to obtain from the late Treasurer a sum of 6,000*l.* which was due to him. In his difficulty he appealed to Eliot's old enemy, Sir James Bagg, who had transferred his fawning servility to Portland after Buckingham's death. Bagg recommended him to bribe the Treasurer, and offered himself as the medium of the operation. On this pretext he drew from him no less a sum than 2,500*l.* After some time spent in fresh supplications for payment, Pell, finding himself no nearer his end than he had been before, charged Bagg in the Star Chamber with appropriating the money himself. Bagg replied that he had paid it over to Portland, and had no further responsibility When the day of sentence arrived, Laud and his friends took the part of Pell, on the ground that, even if Portland had had the money, Bagg deserved punishment as a broker of bribery, whilst Cottington warmly supported Bagg. In the end the court was equally divided, and

Case of Pell and Bagg in the Star Chamber.

Nov. 11. The court divided.

[1] Laud to Wentworth, Oct. 4, *Laud's Works*, vii. 171.

BOROUGH OF LEWISHAM BROCKLEY BRANCH

judgment was only given for Pell by the casting vote of the Lord Keeper.[1]

Arguments used in defence of Bagg.

It was startling that nine out of eighteen Privy Councillors should have rallied to the defence of such a transaction. Still more startling were some of the arguments by which they supported their vote. "Suppose," said Cottington of Bagg, "that he had the money, is it a crime if a man undertake to effect a business for another?" "I do not think it to be a crime," said Dorset, "for a courtier that comes up to Court for his Majesty's service, and lives at great expense by his attendance, to receive a reward to get a business done by a great man in power." Windebank followed in words which are enough to show that Laud's estrangement from him arose from a difference which went deeper than any mere divergence of opinion on the soap business. "For the bill itself," he said, in speaking of Pell's complaint, "I hold it precisely a most scandalous defamatory libel. . . . I do hold the main intent and scope of the plaintiff was most maliciously to defame the Lord Treasurer, and under colour of clearing him, to wound his honour through the sides of his kinsmen, his friends, his two secretaries; and, rather than this should fail, to bring into public agitation and question his Majesty's affairs and debts, which in my poor opinion is of exceeding dangerous consequence, and all the good that would come of the punishment of Sir James Bagg, were he as foul as they would make him, is not to be put in the balance with the detriment that by the precedent may come to the King's service."[2]

Laud's reply.

Laud's reply was crushing. "If the Lord Treasurer have a near kinsman, or secretary, or any other employed for him, if

[1] *Rushworth*, ii. 303. On Laud's side were Finch, Bramston, Coke, Vane, Newburgh, Holland, Lindsey, and Coventry; on Cottington's, Windebank, Juxon, Carlisle, Dorset, Arundel, Lennox, Manchester, Neile. It is strange to find the two bishops on Cottington's side. The judges, however, are in their place in voting with Laud. They wished to establish something very like absolute monarchy in England, but they wished it to be free from corruption.

[2] Windebank's notes, Oct. 23, Nov. 4, 6, 11, *S. P. Dom.* ccc. 34, ccci. 13, 27, 56.

those men shall be corrupt, or do those acts which shall make the world believe it is so, it shall be as much as if they were really guilty. For by this means the people will run on with an opinion of bribery and corruption. They cannot have it out of this great man's hand, but they must go that way of bribery to the secretary for it. It shall not only bring great men into despite, who perhaps never heard of it, but men when they cannot have their money without going this way care not what they do." Of Bagg himself he spoke as he deserved. "See," he said, "the many letters he writ, 'James Bagg, your most real friend.'—'Your business will be better done if you leave it to your friend, James Bagg.' Here is his hand against his oath and his oath against his hand. He is a most base fellow to say 'Your most real friend,' and to serve Sir Anthony as he did. I have now done with that bottomless bag, and with my censure."[1]

Charles refuses to punish Bagg.

Once more Laud failed to carry the King with him. Charles could not bear to punish a man who had devoted himself to his service. He refused to inflict any penalty whatever upon Bagg, and he left him in possession of the governorship of the fort at Plymouth. Such weakness was in truth an abdication of the higher duties of government which went far to justify the rising distrust of the Royal authority. Laud and Wentworth and Coventry might talk as loudly as they pleased about the duty of submission to his Majesty. The man who condoned the offences of Bagg was deficient in the elementary qualities by which respect is secured for a ruler.

Cottington's chance of the Treasurership.

Yet if Charles was not sufficiently impressed by the evidence produced at the trial to punish the culprit, he learned enough to make him hesitate whether it would be prudent to entrust the Treasurer's staff to Cottington's hands. A month before it had been believed that his appointment was certain. The end of November found the office still vacant.

Opposed as Laud and Cottington were, they agreed in

[1] *Laud's Works*, vi. 29.

urging on the collection of ship-money. In the sheriffs and justices of the peace the King had his representatives in every county of England. To the sheriffs especially, the work of conducting the assessment was committed, and they were directed to take account of personal as well as of real property, so as to bring the new levy into truer proportion to the actual income of the contributors than that of the old subsidies had been. For some time very few ventured to attack the imposition as illegal, but the very novelty of the mode of assessment offered an excuse for complaints. The work had to be done suddenly and speedily, and all over England the sheriffs were overwhelmed with outcries against the unfairness of their decisions. Every hundred, every village in the country had excellent reasons to show why it should pay less than others, and though there was seldom anything said in these complaints in any way inconsistent with an acknowledgment of the King's right to claim payment, the agitation would be certain to predispose those who took part in it to listen eventually to bolder spirits who might declare the demand in itself unwarranted.

November. Collection of ship-money.

Much depended on the character of the sheriffs. In Lancashire, Humphrey Chetham, whose name will ever be honoured in Manchester, was sheriff for the year. He sent at once for the mayors and constables, settled the assessment in a rough and ready fashion, refused to listen to excuses, and collected and sent up the money to Whitehall before the year was at an end.[1]

Humphrey Chetham.

Few of the sheriffs were so prompt or masterful as Chetham. Letters full of difficulties about the assessments poured in upon the Council. Edward Nicholas, who was now secretary to the Commissioners of the Admiralty, was appointed to carry on the correspondence, and to give an account of it to the Council at its weekly Sunday meeting.[2] The first sign of a direct opposition to the ship-money upon principle came from the hundred

Difficulties of the sheriffs.

Resistance in Oxfordshire.

[1] Chetham to the Council, Dec. 16. Printed in the preface to Bruce's *Calendar of S. P. Dom.* 1635.

[2] *Council Register*, Nov. 8.

of Bloxham in Oxfordshire. In that hundred lay Broughton, where was the estate of Lord Saye and Sele, who was distinguished alike for the strength and pertinacity of his Puritanism and for the doggedness with which he turned to account every legal weapon which might serve his cause. Close by, too, though not actually within the hundred, was Banbury, that most Puritan of Puritan towns, in which, according to a jest which obtained some circulation, men were in the habit of hanging their cats on Monday for catching mice on Sunday.[1] To the chief constables of this hundred Sir Peter Wentworth, the sheriff of the county, made out his warrant directing them to summon the discreetest men of the hundred to assess upon the inhabitants the 209*l.* charged on them. The reply he received, which was probably suggested by Lord Saye, was that 'upon good consideration had,' they thought they had 'no authority to assess or tax any man, neither' did 'they conceive the warrant' gave 'them any power so to do,' and therefore they did 'humbly beg to be excused in and about executing the said service.' A second warrant produced no more satisfactory answer. In Banbury hundred the constable of a tithing absolutely refused to make any return of the names of those who would not pay. The sheriff forwarded these answers to the Council, with the suggestion that the constables should be called before the Board.[2] But the Council was in no hurry to be brought into personal collision with these men. Wentworth was directed to make the assessment himself. The principle thus adopted of making the sheriffs personally responsible was maintained to the end, and their diligent if not their zealous co-operation was thus enlisted in the service of the Court. The London sheriffs, who had been slow in carrying out their assessment, were summoned at the same time before the Council, and were ordered to attend every Sunday to give an account of their proceedings till they had completed their task.[3]

Remissness in London.

[1] Branthwait's *Drunken Barnaby.*

[2] Wentworth to the Council, Nov. 27 (?), *S. P. Dom.* cccii. 90. The certificates from Bloxham are enclosed, dated Oct. 19 and Nov. 2.

[3] Minutes by Nicholas, Nov. 29, *S. P. Dom.* cccii. 90.

In Essex, too, some of the constables refused to assess. In Devonshire the sheriff reported his fears that at least in some cases it would be necessary to have recourse to distraint and imprisonment.[1] As yet, however, such direct refusal was exceptional, and the Council had no reason to apprehend that it would be generally imitated.

Refusal to assess in Essex.

Still, there was opposition enough to create an uneasy feeling. Charles directed Finch to ask the opinion of the judges on the legality of the step which he had taken. Finch afterwards declared that he 'did never use the least promise of preferment or reward to any, nor did use the least menace.'[2] It is likely enough that this was the case. It was unnecessary to remind the judges which way the King's wishes lay, and most of them were inclined by their own temperament to take the same view of the case as that which had been adopted by Coventry and Finch.

December. The judges consulted.

Without much delay Finch brought back the signatures of ten of the twelve judges to the following answer :—"I am of opinion that as where the benefit doth more particularly redound to the ports or maritime parts, as in the case of piracy or depredations on the seas, there the charge hath been and may lawfully be imposed upon them according to precedents of former times ; so where the good and safety of the kingdom in general is concerned, and the whole kingdom in danger—of which his Majesty is the only judge—there the charge of the defence ought to be borne by all the kingdom in general."[3]

Opinion of the judges.

Of the two judges whose names were not appended to the paper, Croke gave a guarded opinion that when the whole kingdom was in danger, the defence

Croke and Hutton do not sign it.

[1] Report of the Sheriff of Essex, Nov. 15. The Sheriff of Devonshire to Nicholas, Nov. 26, *S. P. Dom.* cccl. 96, ccclii. 87.

[2] *Rushworth*, iii. 126.

[3] *Bramston's Autobiography* (Camden Soc.), 66. Probably he found the paper amongst the MSS. of his father the judge. He says that all the judges signed, but Finch's evidence (*Rushworth*, 126) that two did not is to be preferred, as he had better opportunities for knowing, and was not likely to have misstated a fact which must have been notorious.

thereof ought to be borne by all,' without reference to the quarter from which the demand should come. Hutton did not sign at all.

The legal view of the case.

It is impossible to dive into the hearts of the ten judges who decided for the King. The knowledge that their tenure of office depended on his favour may not have been altogether without its influence, an influence probably entirely unacknowledged by themselves. But it is only fair to allow much more than it has been the habit of historians to allow for the difficulty of answering the question put to them in any other way, without admitting, on the one hand, political considerations into a legal opinion, or abandoning, on the other hand, that view of the constitution which they had themselves so frequently defended.

The only part of their opinion, indeed, which was in any way subject to doubt was that which asserted the King to be the sole judge of the danger. For the politician the solution of the difficulty was not hard to find. It was not unreasonable to hold in the seventeenth century that if danger were really to come suddenly and unexpectedly, the King would be authorised, just as the Cabinet would be authorised in the nineteenth century, to take any steps which might be necessary for the safety of the State, without regard for the restraints of law; and that, as such steps would have to be taken in a moment of confusion when there was no time to summon a Parliament, the King must of necessity be the sole judge of the danger, for meeting which he was alone responsible. It was also not unreasonable to hold that in cases where the danger was likely to develop itself more slowly, he would be bound to apply to Parliament for the special powers which he thought himself to stand in need of. Yet not only was it difficult to discover a legal formula which would distinguish between sudden danger and danger of a more deliberate kind, but the training of the judges had not been such as to lead them to look with favour upon any attempt to circumscribe the prerogative. The fact was, not that Charles had assumed to himself a right of judging of the danger which had never been claimed by his predecessors, but that he had stretched that

right immeasurably beyond the limits within which their good sense had confined it. They had called upon their subjects to follow them when an attack from an enemy was apprehended, and they had sometimes exaggerated the danger in order to serve their own ends. Charles, with no immediate risk in view, had rightly judged that there was a necessity of permanently increasing the defensive forces of the realm, and had imposed upon the kingdom a tax which he intended to make permanent in order to free himself from the necessity of calling a Parliament.

Is Parliament a constituent part of the State?

Once more, behind all the legal arguments about ship-money rose the great question which had risen behind the legal arguments about tonnage and poundage: Was Parliament a constituent part of the Government or not? Could it use its rights in order to force its policy upon the King, or was the King justified in falling back upon his ancient, and more than his ancient, prerogative, in order to maintain his own policy in spite of the objections of his subjects? In plain words, the question was whether the King or Parliament was to be supreme in the State. This broad view of the case could not fail to force itself more and more plainly on the eyes of all men. Lawyers might declaim about the prerogatives of the Crown as they had been handed down from the Middle Ages. Common sense would teach the mass of the nation that the practical extent of the prerogative had by no means coincided with its theoretical extent, and that there had been all sorts of regular and irregular influences by which it had been kept in check, which might not come within the purview of the judges, but which it was the duty of the existing generation of Englishmen to refurbish or to replace.

Where was the danger?

Surely Charles was right, though in a sense higher than he thought, in judging that danger was abroad; but it was not a danger from a foreign enemy. It lay in the rending asunder of the old ties which in old days had bound to the kings of England the hearts of their subjects, and against this danger neither ship-money nor ships themselves would be of any avail.

Such far-reaching considerations, however, were beyond Charles's ken. His mind was set on the attempt to turn the fleet which he had acquired at the risk of such weakening of the basis of his authority, to some practical service to himself. Immediately after the issue of the writs, he assured the Spanish Government that if they were still ready to find the money, he was ready to go on with the treaty of the preceding year, while Taylor, who was about to set out for Vienna, was directed to offer to the Emperor the alliance of England if he would give satisfaction in respect to the Palatinate.[1] As before, negotiations with France accompanied negotiations with Spain. The Queen, in her husband's name, urged Seneterre to take up the broken thread once more. Seneterre answered drily, that it would be better for him to hold his peace than again to go through the form of exchanging words without a meaning. Richelieu decided otherwise. If Charles would simply engage to abstain from helping Spain, would lend his fleet to his nephew, and would allow Louis to levy volunteers in his dominions, France would engage not to make peace without the restitution of the Palatinate, though the question of the Electorate was to be reserved for the final determination of the Electors.[2] Seneterre saw clearly that Charles's real wishes were that everything should be done for him, and little or nothing by him. "If," wrote the ambassador, "the war could be eternal, and if both we and the Spaniards could be equally ruined, it would be the joy of his heart."[3] Charles, as it proved, had nothing but fault to find with the proposals made to him. He had, however, a counter-proposal of his own. As the Emperor had seized the Palatinate, France had seized Lorraine. Let the Emperor and France make restitution of their prey, and peace would be restored. He would himself be ready to

August. Prospects of the fleet.

Charles's offers to Spain and the Emperor.

September. Richelieu's overtures.

Oct. 21. Charles proposes a mutual exchange of Lorraine and the Palatinate.

[1] Instructions to Aston and Taylor, Aug. 15, *Clar. S. P.* i. 306, 310.

[2] Seneterre to Bouthillier, Aug. $\frac{5}{15}$. Memoir for Seneterre, Sept. $\frac{16}{26}$, *Bibl. Nat.* Fr. 15,993.

[3] Seneterre to Bouthillier, $\frac{\text{Sept. 30}}{\text{Oct. 10}}$, *ibid.*

show favour to that power which was the first to give way. Seneterre positively refused to transmit such a project to his master, and Charles was obliged to send it through his own ambassador. Richelieu did not even think the suggestion worthy of a reply.[1]

The formal justice of the arrangement had taken possession of Charles's mind. He did not see that a question of territory cannot be decided as a right to an estate is decided. If one landowner is adjudged to surrender a field to another, the loss sustained by him is limited to the actual diminution of his estate. The same authority which has deprived him of part of his possessions will secure him in the enjoyment of the rest. There is no authority in existence to prevent a State which has acquired land by conquest or cession from using it as a vantage ground from which to carry on a further attack. If Ferdinand were to restore the Palatinate to the young Charles Lewis, who was to assure him that the Palatinate would not again become a focus of intrigue against the Emperor? If Louis were to restore Lorraine to its own Duke, who was to assure him that Lorraine would not again become a focus of intrigue against France? If indeed France and the Empire with Spain at its back could lay aside all hostile intentions, it would matter little what petty prince was in command at Heidelberg or at Nancy. But the real quarrel was between France and Spain, and Charles's proposal did not even attempt to remove the causes which had brought about the war between the two Western monarchies.

The scheme had, in fact, been suggested to Charles by the Queen. It originated in aims which were purely personal. She wanted to be on good terms with Richelieu, in order to obtain from him the liberation of the Chevalier de Jars, and to secure her mother's return to France and the restitution of the Duchess of Chevreuse to Parisian life. She also hoped by obtaining the restoration of the Duke of Lorraine to give complete satisfaction to the whole circle of her mother's friends. For once the impulsive personal feelings of the Queen were in accord with the cold formal judgment of her husband.

The plan suggested by the Queen.

[1] Proposition of the King, Oct. $\frac{21}{31}$. Seneterre to Bouthillier, Nov. $\frac{3}{13}$, *Bibl. Nat.* Fr. 15,993.

One had just as little hold as the other on the realities of life. Her confidant Holland urged Seneterre to accept the plan, not because it was likely to effect a peace, but because the Emperor was sure to refuse to fulfil his part of the bargain, and Charles would then throw himself into the arms of France from pique at the refusal.[1]

November.

In the midst of these intrigues, the young Elector Palatine suddenly made his appearance at the English Court. Elizabeth trusted that her son's innocent boyish face would work wonders at Whitehall. Charles had given his consent to the visit, and both he and the Queen received the lad with the most affectionate welcome ; but the cause which he came to plead was injured rather than advanced by his presence. Already in the Netherlands, Elizabeth had quarrelled with Charnacé, the French ambassador at the Hague, for refusing to give the title of Electoral Highness to her son. To allow the insult to pass unchallenged was, she said, to acknowledge her husband to have been legally proscribed. "Believe me," she declared to the ambassador, "neither fair means nor foul shall ever make me do anything that shall give the least touch to the King my husband's honour ; I will sooner see all my children lie dead before me rather than do it, and if any of them be so desperate as to consent to any such thing, I will give them my curse."[2] A demand which sat well on the lips of a high-spirited widow might accord ill with the exigencies of a statesman. Charles, however, was as resolute as his sister had been. The French ambassadors replied that they were quite ready to address the King's nephew as his Highness, but that they could not style him his Electoral Highness.[3] Their Government supported them in their refusal. The King of France had deliberately announced his intention of referring the question of the Palatine Electorate to the decision of the Electors, and he knew better than to raise up enemies in Germany for the shadowy chance of making an ally of Charles.

Nov. 21. The Elector Palatine in England.

The French asked to acknowledge his title.

They refuse to do so.

[1] Seneterre to Bouthillier, Nov. $\frac{18}{28}$, *Bibl. Nat.* Fr. 15,993.

[2] Boswell to the King, March, *S. P. Holland.*

[3] Seneterre to Bouthillier, $\frac{\text{Nov. } 25}{\text{Dec. } 5}$. Bouthillier to Seneterre, $\frac{\text{Nov. } 27}{\text{Dec. } 7}$, *Bibl. Nat.* Fr. 15,993.

Necolalde saw his opportunity. He knew perfectly well that none of the allies of Spain were likely to take offence at any words which he might employ for the purpose of hoodwinking the King of England. He accordingly asked for an audience, and addressing Charles Lewis in a loud and deliberate voice as "Your Electoral Highness," proceeded to congratulate him on having left a rebellious country, and to assure him that his interests were better attended to in Spain than he imagined.[1]

Dec. 1. Necolalde gives the title.

Necolalde gained his object. Charles stiffly rejected all proposals made to him by the French. At a meeting of the Committee of Foreign Affairs he openly spoke of Seneterre as a cheat. Hamilton truly said that Necolalde only spoke as a courtier. "I esteem him all the more," replied the King, "for his courtesy and goodwill. He behaves like a Spaniard, and the Spaniards are my friends on whom I can rely. All the rest is deception and villainy. I thank God that I have been so much the master of myself that, with continual temptations for two years, I have not given way to those who prefer dissension and hostility in Christendom to peace."[2]

Charles turns against the French.

That Charles would render any real service to peace might be doubted. For the present, at least, he was giving immense help to one party in the war. A ship of the fleet which had convoyed his ambassador to Spain returned with 100,000*l.* in Spanish coin, and landed it safely at Dunkirk for the payment of the Cardinal Infant's army.[3]

Money sent to Flanders.

In the meanwhile Taylor had been taking his journey to learn whether the Palatinate was to drop into Charles's lap or not. On November 12 he arrived at Vienna. "Germany," he wrote, "the greatest and whilom the fairest country of Europe, is now the most miserable, and looks hideous to the eye . . . From Cologne unto Passau I saw nothing but desolation; the people being almost dead,

Nov. 12. Taylor at Vienna.

[1] Correr to the Doge, Dec. $\frac{11}{21}$, *Ven. MSS.*

[2] Necolalde to the Cardinal Infant, Dec. $\frac{4}{14}$, *Brussels MSS.* I can only give the translation of a translation

[3] Windebank to Hopton, Dec. 20, *Clar. S. P.* i. 389.

and no corn sown for next year, so that it is feared that even those few that survive will perish through famine and hunger."

Taylor, himself a Roman Catholic, and half a Spaniard by birth, felt too little interest in the cause which he had come to advocate to be otherwise than hopeful of success. "The Emperor," he wrote, "hath again, at the King's request, set open the gates of his mercy;" he would doubtless restore the Lower Palatinate, and everything else would follow in due time. According to his instructions Taylor held out hopes of a league between his master and the House of Austria. The idea, he reported, was favourably received. Even Maximilian of Bavaria had talked of giving up such lands as he held in the Lower Palatinate. If only the young heir would visit Vienna and marry the Emperor's daughter, and if the English fleet were really used for an attack upon France, some concessions might be made in Germany.[1] On January 4 the Emperor formally declared that if the Count Palatine would engage to enter into a close alliance with the House of Austria and would make proper submission, he should be placed in possession of a 'not contemptible' part of the lands formerly held by his father. Anything further must be the subject of direct negotiation with the King of England.[2]

December. The Emperor gives hopes

1636. January. Taylor thinks well of the prospect.

Feb. 14. The Emperor's offer.

Did Charles really mean to accept such terms as these? Was the influence of the Palatine House, whatever it might be, to be thrown into the scale of Spain and the Emperor? Was the new ship-money fleet to be employed in an unjustifiable war with France for a simply dynastic object? Charles could not make up his mind. He had now two nephews by his side pleading with him to treat the Emperor's overtures with contempt, as Rupert, ardent and boisterous, had come to join his more sedate elder brother.

March. Arundel to go to Germany.

[1] Taylor to Windebank, Nov. $\frac{18}{28}$, Dec. $\frac{5,\ 19,\ \text{Dec } 23}{15,\ 29,\ \text{Jan. } 2}$. The Emperor's Answer, Jan. $\frac{14}{24}$. Taylor to Cottington, Jan. $\frac{20}{30}$, *Clar. S. P.* i. 369, 373, 375, 394, 424, 432. Taylor to Coke, Jan. $\frac{16}{26}$, *S. P. Germany.*

[2] The Emperor's answer, Feb. $\frac{14}{24}$, *Clar. S. P.* i. 461.

Charles was half-inclined to think that they were in the right; but in the end he resolved to send a more formal embassy to Vienna to obtain a definite resolution from the Emperor, and he selected the stately Arundel for the task.

Uncertain as Charles was as to the use to which the new fleet was to be put, he had no hesitation in enforcing the payment of the ship-money by which it was to be equipped. At the end of January 119,000*l.* had been paid. At the end of March the sum received amounted to 156,000*l.*;[1] but there were still considerable arrears, and even this amount had not been gathered without difficulty. On February 11, for instance, Sir Peter Wentworth had collected 1,600*l.* in Oxfordshire, leaving 1,900*l.* unpaid. Failing to get assistance from the constables he had been compelled to make the assessment himself.[2] Sir Francis Norris, who succeeded him as sheriff, found that in some parts of the county the assessments had still to be made. Warrants were sent to the incumbents of the parishes, to the churchwardens, overseers, and constables, calling on them to produce their books. They utterly refused to do anything of the kind; and the Council, true to its policy of throwing all responsibility on the sheriff, ordered Norris sharply to make the assessment by his own officers, sending the refractory constables to the Council to answer for themselves. Even when the assessments had been made, resistance did not come to an end. At Stoke Newington the constable and another of the inhabitants wrote to the sheriff that no money should be gathered in the parish till he informed them of some law or statute binding them thereto. It was a brave answer; but the two men had not the courage to deliver it themselves. They sent their letter by the hands of a poor tailor. Norris, goaded past endurance, seized upon the unlucky messenger and sent him to London. There he remained in prison for some time, protesting, probably in all sincerity, that he was entirely ignorant of the contents of the letter with which he

Payment of ship-money enforced.

Difficulties in Oxfordshire.

[1] *S. P. Dom.* cccxii. 76, ccxvii. 41.

[2] Receipt, Feb. 11. Wentworth to the Council, Feb. 12, *ibid.* cccxiii. 89, 93.

had been entrusted. The Privy Council did not hold that the seizure of the tailor excused the sheriff. Nor were they influenced by his assurances that the resistance was stirred up by persons of high quality in the county. They replied that if such were the case those persons ought to be called to account. It was Norris's business to make the assessment, beginning with men of the highest rank. If the incumbents or churchwardens refused to show their books, they might be required to enter into bonds to appear before the Council, and if they refused to do this they might be committed to prison. If, as frequently happened, no one could be found in the county willing to buy cattle taken by distraint from those who refused to pay, the animals were to be sent to London to be sold by the King's officers.[1] All that sheriff or Council could do, however, availed but little. Of the 1,900*l.* outstanding in February, only 100*l.* had been collected by the end of June, and at the beginning of October only an additional 200*l.* had been paid.

April.

May.

No doubt Oxfordshire was in some respects an exceptional county. Lord Saye was always at hand, and, though no direct evidence is to be had, there can be little doubt that he encouraged the resistance. Many other counties, however, were not much better disposed to submit. The register of the Privy Council is crowded with letters urging the sheriffs to do their duty. In London Richard Chambers, untamed by the fine and imprisonment which had been inflicted on him on account of his resistance to the payment of tonnage and poundage, manfully carried the question of right before the Court of King's Bench. The judges would not even allow the question to be argued. Justice Berkeley said 'that there was a rule of law and a rule of government, and that many things which might not be done by the rule of law might be done by the rule of government.'[2]

June. General resistance.

Chambers appeals to the King's Bench.

The court refuses to hear him.

[1] Norris to the Council, March 11. The Council to Norris, March 22. Return by French and Roberts, April 14. Willett's petition, April (?), *S. P. Dom.* cccxv. 133; cccxvi. 92; cccxviii. 75; cccxix. 108. The Council to Norris, May 5, *Council Register.* [2] *Rushworth*, ii. 323.

It was hardly possible to render a worse service to the Crown than to proclaim openly from the bench that Charles's rule was bound by no law. It had been an old maxim, even of the Crown lawyers, that the limits of the prerogative were subject to argument in Westminster Hall. Berkeley would have placed it in a higher sphere, bound by no restraints, limited by no conditions save those which the King might think right to place upon himself. The feeling that law was trodden under foot would quickly spread, and would give an imaginative force to a resistance which would be based on a higher motive than the dislike to pay a tax which had not been paid before. The belief quickly spread that far more was at stake than the payment of the few pounds or the few shillings which were now exacted. "If this," wrote D'Ewes, "could be done lawfully, then, by the same right, the King, upon the like pretence, might gather the same sum ten, twelve, or a hundred times redoubled, and so to infinite proportions to any one shire, when and as often as he pleased; and so no man was, in conclusion, worth anything." [1]

Importance of the doctrine laid down.

Never was any reproach more ill-founded than that which has been raised against the generation which resisted ship-money, on the ground that its material comforts were well provided for and that the burden imposed upon it was slight. In nations, as in men, a sensitive apprehension of the consequences which will follow from causes apparently unimportant is the mark of a well-developed and highly strung organisation. It was because the English nation had learned in the course of its past history the virtues of self-reliance and perspicacity, that it was roused to indignation by an impost which was materially slight. The possibilities of future hardship, together with the present insult offered by a Government which showed no confidence in the people, and which treated them as permanently incapable of understanding their own interests, stung them to the quick.

Justification of the resistance.

In the summer of 1636 two years had passed away since England first learned from Coventry's mouth that ship-money

[1] D'Ewes, *Autobiography*, ii. 130.

was to be paid. During those years an attack upon the religion of the majority of religious Englishmen had been running parallel with the attack upon their property. To D'Ewes, the Puritan antiquary, as to many others, 1634 was the beginning of evils.[1] It is time to see what Laud had been doing in these years to alienate the Protestantism of England.

Religious dissatisfaction.

[1] D'Ewes, *Autobiography*. ii. 119.

CHAPTER LXXVIII.

THE METROPOLITICAL VISITATION.

LAUD might well lament that there was little chance of seeing his principle of Thorough carried out in the administration of the Government. At the Queen's Court it was openly said that, with the single exception of the Archbishop, the whole Council might be bought for 20,000 crowns.[1] Exaggerated as the statement was, there was enough truth in it to cause sorrow to those who had the King's interest at heart. Even in Charles himself Thorough found but little place. His wishes were all in the direction of just and equal government. But there was no self-sacrificing energy in his character, no resolute discouragement of men who were using his name to forward their own interests.

1634. Thorough in Church and State.

In Laud's own sphere, the energy of Thorough was not wanting. His hand was everywhere. Rich and poor, high and low, alike felt its weight. If only his energy had been at the command of a broader intelligence, he would have gained a name second to none in the long list of the benefactors of the English people.

The best side of Laud's character was his grand sense of the equality of men before the law. Nothing angered him so much as the claim of a great man to escape a penalty which would fall on others. Nothing brought him into such disfavour with the great as his refusal to admit that the punishment which had raised no outcry when it was meted out to the weak and helpless should be spared in the case of

Laud's love of equality.

[1] Panzani's report, *Add. MSS.* 15,389, fol. 99.

the powerful and wealthy offender. If, as all men then believed, it was fitting that the village lass should expiate her sin by standing up to do penance in a white sheet in the face of the congregation of her parish church, why was the lord of the manor to pursue a career of profligacy unchecked? It was Laud's misfortune that an outrage upon good order and decency roused his anger as strongly as an outrage upon morality. He heard everywhere of men slouching into church with their hats on, lolling on the benches till they fell asleep, of churchyards left unfenced, of pigs rooting on the graves, and of churches themselves left untended. These things he determined to remedy by the infliction of excessive penalties. Nor was he content with vindicating propriety against mere indecency and disorder. The law of the Church was to be carried out to the letter, even when it came into collision with the conscientious beliefs of the men with whom he had to deal. With him it was not the heart which was to pour itself out in definite forms, but the forms which were to train and discipline the heart. Men were to kneel at the reception of the communion that they might be taught humility, to bow at the utterance of the sacred name of Jesus that they might be taught reverence.

In order that his will might be felt beyond his own diocese, it was necessary that he should revive from the storehouse of bypast times the right of Metropolitical Visitation which had been exercised by his predecessors before the Reformation. Once in the time of his occupation of the archiepiscopal see he was to appear in person or by deputy in every diocese of his province, to take a survey of the state of ecclesiastical discipline, and to carry out the reforms which were needed to bring the Church and the clergy into accordance with the law of the Church.

The Metropolitical Visitation.

Like the levy of ship-money, Laud's claim rested on precedents of undoubted antiquity. Like ship-money, too, it contained the germs of a great revolution. It reduced the episcopate to a subordinate position. No doubt the bishops had been subordinate to Elizabeth. But there was an immense difference between submission to a queen delicately sensitive to the currents of lay opinion,

Relation between the archbishops and the bishops.

and submission to an Archbishop who treated lay opinion with disdain.

For three years, beginning with 1634, Sir Nathaniel Brent, Laud's Vicar-General, went through the length and breadth of England south of the Trent, calling the clergy and the churchwardens to account, correcting disorders, and, at the worst, ordering the prosecution of the offenders in the Court of High Commission.

Brent's progress.

The answer made by members of the Chapter of Salisbury Cathedral may serve as an example of the ordinary irregularities into which corporate bodies are apt to fall for want of adequate supervision. They acknowledged that they had often neglected to preach in the cathedral, as they were bound by their rules to do; that they were frequently absent from their duties, without any diminution of the revenue assigned them on condition of residence; that they usually presented themselves to such benefices in their gift as fell vacant, and that one of their number had sold such a benefice for 70*l.*; that the choristers had not been well instructed in singing; that in the churchyard there were some houses and sheds which had long been there, though their gardens had recently been extended at the expense of the churchyard; and that of late years the church had been pestered with movable seats by which many were prevented from hearing, and the preacher was troubled with the noise of persons coming into them, whilst there were some fixed seats, not uniform in height, by which 'the beauty of the church' was 'much blemished.' There were further and more special complaints that the ornaments of the altar were deficient, and that the clergy did not wear their square caps.[1]

Visitation of Salisbury.

A few extracts from Brent's report to the Archbishop in 1635 will serve to display still further the character of the Visitation. "At Norwich," he writes, "the cathedral church is much out of order. The hangings of the choir are naught, the pavement not good, the spire of the steeple is quite down, the copes are fair but want

Brent's reports, Norwich.

[1] House of Lords MSS., *Hist. MSS. Commission*, iv. 128.

mending. The churchyard is very ill kept; . . . there is likewise a window that letteth smoke and casteth ill savour into the north side of the church. Many ministers appeared without priests' cloaks, and some of them are suspected of nonconformity, but they carried themselves so warily that nothing could then be proved against them. The mayor and his brethren came not to visit me at my coming in. Afterwards I convented them for walking indecently in the cathedral church in prayer time before the sermon, and I admonished them to forbear for the future, and an act was made of it in their presence. After this they visited me often, and gave me ample satisfaction for their former neglect, protesting that they will always be ready to desire your Grace's good opinion of them."

Swaffham. At Swaffham there were few Puritans, 'but much drunkenness, accompanied with all such vices as usually do attend upon it.' At Lynn, 'since the Court of High Commission took in hand some of their schismatics, few of that fiery spirit' remained there or in the parts thereabout; but there were divers Papists who spoke 'scandalously of the Scriptures and of our religion.' The three churches were well kept, except that at St. Margaret's 'the communion-table wanted a rail, and at the upper end of the choir, instead of divine sentences of Scriptures, divers sayings out of the Fathers were painted.' In these parts 'divers parsonage-houses had been ruined and much glebe land' was 'embezzled.' At Fakenham an excommunicated vicar continued to officiate, and many parsonage-houses were in a ruinous state. At Yarmouth, where there had been much contention about Church matters, the town was quiet, and the chief persons promised 'absolute obedience to the laws of the Church.' The magistrates, however, desired a lecturer, but objected to leave the choice of one to the Archbishop. At Bungay one of the churches was 'ruinous.' The Curate of Rumborough 'was charged with divers points of inconformity,' but 'renounced all upon his oath, and' promised to read the Declaration of Sports. 'Mr. Daines, lecturer at Beccles, a man of more than seventy years of age, did never wear the surplice nor use the cross in

Lynn.

Fakenham.

Yarmouth.

baptism.' Brent was 'told that all the bishops there had tolerated him, because he' was 'a very quiet and honest man.' He now 'promised reformation.' At Ipswich Brent was received by the magistrates with great solemnity. "The town," he wrote, "is exceeding factious, and yet the better sort are conformable in a reasonable good measure. I ordered many things in the churches and churchyards. I suspended one Mr. Cave, a precise minister of St. Helen's, for giving the sacrament of the Eucharist to non-kneelants. I excommunicated divers churchwardens in that town who were so precise that they would not take their oath; but afterwards they all submitted, with protestation to reform their opinions, and many do believe that a good reformation will follow. I hear that in these parts there are some that do teach that none have right to the creatures but the godly. But those who complained either could not or would not tell their names. There is but one hospital in this town, and that very well governed." At Stamford[1] the church was 'not well kept, but the minister and people very conformable. The ministers were generally in priests' cloaks, and they, with the laity, were all the time of divine service uncovered, and still bowed at the pronouncing of the blessed name of Jesus.' At Oundle the schoolmaster was admonished 'for instructing his scholars out of a wrong catechism, and for expounding the Ten Commandments unto them out of the writings of a silenced minister.' He also refused 'to bow at the name of Jesus.' Order was therefore 'taken for his suspension in case' of his persistent refusal.

Ipswich.

Stamford.

It is needless to peruse Brent's diary further. Everywhere the care for the material fabrics of the churches is mixed up with the care for conformity. Other documents of the time reveal much the same state of things as that which confronts us in the report of the Vicar-General. Sometimes there were cases of direct spoliation of Church property. At Wimborne, for instance, where 500*l.* a year had been assigned by Queen Elizabeth for the maintenance of the

Injuries to Church property.

[1] It was here that Vicars had given offence. See Vol. VII. p. 253.

Grammar School, only 150*l.* was paid, the remainder being fraudulently appropriated by the governors.[1] At Louth, of an income of 400*l.* a year belonging to the Free School, the schoolmaster received no more than 20*l.* At Saxby, Lord Castleton's bailiff was found using the middle aisle of the church as a place for melting the lead which he had stripped from the roof. Some of this lead ran through the floor into a coffin beneath. In order to recover the metal, the bailiff took up the floor and burnt the coffin, together with the corpse which it contained.[2] In the North, one Robert Brandling, being charged with adulteries, incest, and other impious profanations, turned the key of the church door upon the Ecclesiastical Court convened to try him, and kept the members of it close prisoners till he chose to let them out.[3] After this it is little to hear that the Buckinghamshire gentry, John Hampden amongst them, selected the churchyards as the fittest places in which to muster the trained bands of the county.[4]

Such cases as these offer no difficulty. If Laud had confined himself to taking care that the outward fabrics and the property of the Church were treated with respect, and that both clergy and laity abstained from embezzling money entrusted to them for definite purposes, he would have met with no opposition of which he need have been afraid.

It was more difficult to know how to deal with clerical nonconformity. Many instances which come before us are mere cases of brawling. Dr. Dennison, for instance, the Curate of St. Catharine Cree, was accustomed to enliven his sermons by personal abuse of his parishioners, comparing them to 'frogs, hogs, dogs, and devils.' Anthony Lapthorne, Rector of Tretire in Herefordshire, seldom read the Litany except in Lent, and when he reached the Psalms or the Lessons would go up at once into the pulpit,

Various aspects of nonconformity.

[1] State of the school of Wimborne, June 22, 1635, *S. P. Dom.* ccxci. 28.

[2] Note by the Chancellor of Lincoln, July 14, 1634, *ibid.* cclxxi. 82.

[3] Morton to Windebank, May 24, 1634, *ibid.* cclxviii. 63.

[4] Brent to Farmery, Oct. 27, 1634, *ibid.* cclxxvi. 35.

omitting the rest of the service. In his sermon he frequently reviled some of his congregation in the presence of strangers whom he had invited to hear him, and whom he asked to assist him in praying out the devils with which his own parishioners were possessed. He spoke of the clergy generally in disrespectful terms, and those of his own neighbourhood he called idle shepherds, dumb dogs, and soul-murderers. Francis Abbot, vicar of Poslingford in Suffolk, broke off the service to bring a form from the end of the church, and pulled three men violently off it. He was accustomed to point to someone or another of his congregation whenever he mentioned any particular sin. At Brigstock in Northamptonshire, a clergyman named Price scarcely ever read the Litany or the Commandments. In reading the Scriptures he omitted the name of Jesus, lest the people should take occasion to bow. He left infants unbaptized, and administered the communion to persons sitting. He refused to read the Declaration of Sports, stopping his ears whilst it was being read by the clerk. He locked the door upon his congregation, and kept them in church to hear him preach till dark.[1] John Workman, a lecturer at Gloucester, preached that every step taken in dancing was a step towards hell; that it was little better than flat idolatry to possess the picture of the Saviour; that the election of ministers properly belonged to the people; that drunkards and debauchees who conformed were thought capable of ecclesiastical promotion, whilst others of higher merits were passed by.[2]

It is plain from these instances that Laud would have no difficulty in finding objects for the exercise of his reforming zeal. Unrestricted licence to the clergyman to select what prayers he chooses, and to use what language he chooses in the pulpit, is sheer tyranny over his congregation, as long as that congregation is compelled by law to attend upon his ministrations, and is also debarred by law from exercising any restraint upon his words

1634. How far was Laud's interference justified?

[1] High Commission Act Book, *S. P. Dom.* cclxi. 83, 121, 282 b, cclxxx. 54.

[2] *Ibid.* cclxi. 206. For refutation of the ordinary belief that the High Commission suspended and deprived clergymen in shoals, *see* the Appendix.

and actions. It might be a question whether the whole ecclesiastical constitution ought to be changed or not, just as it might be a question whether the whole political constitution ought to be changed or not; but as long as either existed it was the plain duty of archbishop or king to see that the general interests of the people were not sacrificed to the self-will of persons in office in Church or State. Yet even if Laud had done no more than to put a stop to exhibitions of rudeness or ill-temper, he would probably have given unnecessary offence by his refusal to recognise the legitimacy of the maintenance of the opinion from which this unjustifiable coarseness of expression sometimes sprung. He was on still more dangerous ground in striking at practices which sprang not merely from the subversive Puritanism which aimed at the abolition of existing institutions, but at those which symbolised the Protestantism which was dear to the heart of the nation. In so doing he brought himself into collision not merely with a special form of doctrine, but with that instinctive conservatism which clings to habits of action, and which bitterly resents sudden and abrupt interference with usage, whether it comes in the shape of premature anticipation of the new, or of antiquarian reproduction of the old.

He despises the conservative instinct.

Laud's enormous mistake was that he took no account whatever of this conservative feeling. He appealed in all things to the law, and to the law alone. It was nothing to him that the law had been drawn up half a century or a century before, at a time when the temper of men's minds was very different from what it had become in his own day. In his reasonable dislike of a system which would take the mere self-will of a population, its ignorance, its avarice, and its irreverence as the basis of government, he refused to take its wishes and habits into account at all. If the law was broken, however obsolete it might be, it was his duty to see that it was carried out.

His superstitious reverence for the law.

Difficulty of applying its rules.

With the best intentions of preserving the impartiality of his judgment, it would be impossible for Laud to act in this way with complete impartiality. No man ever succeeds in drawing out of the storehouses of

accumulated law only that which he finds there. He enters upon the search equipped with his own habits of thought and his own sense of the relative importance of all that he finds. He leaves much behind him, if he carries more away, and even that which he has found is modified in passing through his mind. How could Laud himself, the least impartial of men, fail in converting the law which he vindicated into an engine of oppression? Was he not certain to throw undue weight upon all that coincided with his own views, and to shut his eyes to all that made against them?

In this is probably to be found the explanation of the order which Laud gave to Brent to direct that the communion-tables should everywhere be removed to the east end of the churches, and should be fenced in by a railing to secure them against profanation.[1] The order, as Laud always professed, was given for the sake of decency. Men were no longer to have the opportunity of scribbling on the table, putting their hats on it, or sitting upon it. The legality of the order was, however, to say the least of it, doubtful, and those who objected to it would be able to assert that it was only enforced in consequence of the personal decision of the King in the case of St. Gregory's, and of the personal interference of the Archbishop with the ordinary jurisdiction of the bishops. Everybody who could read the canon under which Laud issued the order could see that a movable table was contemplated, and it was difficult to deny that if the existing practice of a fixed table in the centre of the church was illegal, the new practice of a fixed table at the east end was also illegal.

Order for the removal of the communion-tables.

The question of the position of the table was of little importance except so far as it served to indicate the religious feelings of those who gathered round it, or of those who had authority over the worshippers. It would be impossible to choose a better symbol of the victory of

Significance of the change.

[1] Heylyn, *Cypr. Angl.* 269. The evidence of Williams that communion-tables were not usually placed at the east end in country churches has already been given (Vol. VII. p. 18). Laud himself says much the same thing: 'And though it stood in most parish churches the other way,' &c. Speech at the censure of Bastwick and others, *Works*, vi. 59.

one set of ideas over another. The table standing in the centre of the church indicates a body of worshippers who gather round it to perform only one amongst other acts of devotion. The table standing at the east end indicates that they are to approach with special reverence an act of extraordinary importance. The one arrangement points distinctly in a Protestant, the other in a Catholic direction.

Of course it would be ridiculous to deduce all the religious opposition which followed from this single change. Interference in all directions gave rise to irritation in all directions. Yet the removal of the communion-table undoubtedly gave special offence as bringing visibly home to all the conviction that Laud had entered upon a path which, as a large part of the population firmly believed, led directly to Rome—a belief which was strengthened by the knowledge that though the practice of bowing towards the east upon entering a church was not generally enforced, the Archbishop favoured its introduction, and even compelled its observance where, as was the case in many cathedrals, it was enjoined either by ancient statutes handed down from the Middle Ages, or by new statutes compiled, as happened at Canterbury, under his own directions.[1]

It would be going too far to speak of the opposition roused as universal. In Elizabeth's time conformity had been a matter of theory rather than of practice, and there were doubtless not a few parishes which slipped quietly from the old faith to the new, and in which the table had never been moved from its original position in the chancel. In other parishes there may have been many who, without welcoming the change, did not feel called upon to express any special indignation, and there must have been a still larger number of persons who, disliking what was done, were nevertheless unwilling to expose themselves to the risk of resistance to authority.

The offence given not universal.

[1] At Canterbury the rule introduced was: "Singuli vero cujuscunque fuerint gradûs aut ordinis in ingressu chori divinam majestatem devota mente adorantes humiliter se inclinabunt versus altare (prout antiquis quarundam ecclesiarum statutis cautum novimus) et deinde conversi decano quoque debitam reverentiam exhibebant."

In the diocese of London the change had been enforced by Laud before his accession to the archbishopric. It is evident from the few examples which are available that the opposition raised, important as it was, was the opposition of a minority. In the parish of St. Margaret's, Lothbury, for instance, the change was effected by one of the churchwardens, with the consent of the majority of a hesitating vestry.[1] At Ware, again, where the conduct of the vicar, Charles Chauncey, had already been under examination by the High Commission, the churchwardens summoned a meeting of the parishioners, and with the consent of the majority removed the table and railed it in. The vicar objected strongly, declared that he would never administer the communion until the table was restored to its old place, and resigned his benefice rather than break his word. The parish was rent into two factions, and the one opposed to the change invited Chauncey to return to Ware to head them against the new vicar, who had declared himself a follower of the Laudian school. Chauncey accepted the invitation, and inveighed publicly against the innovation as a snare to the conscience and an invitation to a breach of the Second Commandment. He was accordingly brought before the High Commission, and forced to sign a humble form of regret for his behaviour, including an acknowledgment that he was now persuaded that kneeling at the reception of the Communion was a lawful and commendable gesture, and that the rail round the table at Ware was a decent and convenient ornament.[2]

Case of Chauncey at Ware.

1635.

It was not always that the majority of the parishioners could be induced to concur in making the change. Bishop Pierce of Bath and Wells, who had led the attack upon the impugners of the Somersetshire wakes, was now foremost in the removal of the tables. The churchwardens of Beckington resolutely refused to obey, and were excommunicated by the Bishop for their refusal. They ap-

1634. Case of Beckington.

[1] Paper read by Mr. Freshfield before the Society of Antiquaries, March 26, 1876.

[2] High Commission Act Book, Nov. 26, 1635; Feb. 11, 1636, *S. P. Dom.* cclxi. 29§ b, cccxxiv. 5. Prynne, *Cant. Doom*, 94.

pealed in vain to the Court of Arches, and a petition to Laud for relief naturally remained without effect. A petition to the King was equally fruitless. The churchwardens were thrown into prison as excommunicated persons. There they remained for a year, and were only released on engaging to acknowledge publicly in Beckington church, and in two other churches of the diocese, that they had grievously offended the Divine Majesty of Almighty God and the laws ecclesiastical of the realm.[1]

1636.
1637.

Laud had his way. Parish after parish submitted more or less willingly to his command; but in the minds of thousands of peaceful law-abiding men there grew up an enduring sense of wrong — a fixed belief that, as in the case of ship-money, that was being promulgated as law which was not law, and that, under the cloak of providing for decency, an effort was being made to bring England back, as soon as an opportunity occurred, beneath the Papal yoke. These men might be but a minority amongst the population, but they were an energetic and intelligent minority, and they would soon be reinforced by those who cared little for religious changes, but who on various grounds objected to the payment of ship-money. A combination between those who are in earnest about preserving their accustomed forms of worship, and those who are in earnest about keeping their money in their pockets, is one which no Government can afford to despise.

Laud's dangerous victory.

Great as was the offence which Laud gave by strictness in enforcing the one-sided interpretation of the law which, in his eyes, stood in the place of the law itself, he perhaps gave quite as much offence by the hard and unsympathising temper with which he approached those whose views of life differed from his own. Without geniality himself he could not appreciate geniality in others, and he required that all men should so frame their speech as to avoid shattering that delicate framework of ceremony and discipline over which he was so anxiously watching. The principle from which he started, of allowing freedom of thought without free-

1634.
His unsympathising nature.

[1] Prynne, *Cant. Doom*, 97.

dom of speech, was bearing its bitter fruits. Speech was bursting forth on every side, no longer against an abstract theological doctrine, but against the very edifice which he was building up, and which threatened to catch fire on every side before he could tread out the sparks by which it was endangered.

No better evidence can be found of the real weakness of Laud's position than his treatment of Samuel Ward of Ipswich.

Samuel Ward, of Ipswich.

Placed for many years in a county distinguished by its strong Puritan leanings, Ward had gained the ear of his fellow-townsmen by his earnestness and sincerity as well as by his excellence as a preacher. He declared the Puritan gospel, but he was content to accept the Prayer-book as it stood, and was thoroughly loyal to the institutions of his country in Church and State. Even in the midst of the violent outcry against Buckingham which was almost universal in the first years of the reign, he preserved his respect for the King's minister, and was able to declare with a safe conscience that 'in the midst of vulgar rumours' he had 'prayed heartily for his prosperity.'[1]

1626. His loyalty.

Laud's proceedings in the diocese of London gave the first shock to Ward's feelings. The strict inquiry into the observance of forms without a corresponding interest in the manifestations of spiritual life seemed to him of evil augury. In 1633 we hear of Ward's 'melancholy fits';[2] whilst he is charged by an adversary with preaching against set forms of prayer, and with suggesting to his congregation the possibility of an alteration of religion.[3] The charge, as would appear from subsequent proceedings, was wholly or in part exaggerated, and it is possible that a desire to clear himself from these imputations may have had something to do with the fact that he undertook about this time the prosecution before the High Commission of three persons charged with antinomian opinions.[4] If so the penalty

1633. His feeling changes.

1634.

[1] Ward to Nicholas, Oct. 1626, *S. P. Dom.* xxxviii. 20.

[2] Peters to Phelips, June 26, 1633, *ibid.* ccxii. 52.

[3] Dod to Laud, Feb. 4, 1634, *ibid.* cclx. 17.

[4] High Commission Act Book, Oct. 30, 1634, *S. P. Dom.* cclxii. 105.

for his offence followed sharply on its commission. In November 1634 he was summoned before the Council, and that body ordered proceedings to be taken against him in the High Commission.[1]

November. He is prosecuted in the High Commission.

Passages culled by hostile eagerness from a series of sermons spread over a long course of years, and related from memory, might easily he brought to show that Ward was hostile to the existing system, and even that he inspirited his hearers to stand on their defence against it. But it was not proved that he had committed any open breach of the canons of the Church. He had, indeed, argued that extempore prayer was lawful, but he had acknowledged that set forms of prayer were also lawful, though he had shown that he thought that extempore prayers were better than those which were read out of a book. It was impossible, he had said, for anyone to carry about with him a manual of prayer which would be suitable for all occasions. He had even declared that a parrot might be instructed to repeat set forms, and that an ape might be taught to bow and gesticulate. Then had come an expression of belief that the Church was ready to ring the changes in matter of discipline. There had been more of the same sort, and though he denied that his words were correctly reported, or that even when correctly reported, they were incapable of a favourable explanation, there can be no doubt that he had used expressions derogatory to the ceremonial worship which was being imposed upon the Church.[2] As he refused to acknowledge the truth of the charges against him in the form laid down for him to sign, though he was willing to admit that the Court was justified in sentencing him by the evidence before it, he was sent to prison as contumacious. His congregation, having received from the bishop of the diocese permission to appoint a minister in his place, refused for some time to take advantage of the privilege, and after his death in 1640, continued to his widow and eldest son the payment which they had been accustomed to make to himself.

Ward's sentence.

[1] *Council Register*, Nov. 7. High Commission Act Book, *S. P. Dom.* cclxi. 124 b.

[2] The papers relating to this case have been printed in the Preface of Bruce's *Calendar of Domestic State Papers*, 1635–6.

The proceedings against Ward are of special interest as indicating the limit to which the Court of High Commission was prepared to go. No one who has studied its records will speak of it as a barbarous or even as a cruel tribunal. Its chief characteristic was its fixity of aim, and the resoluteness with which disobedience to its orders was overcome, though not without considerable moderation in the treatment of individual offenders who showed an inclination to give way before the pressure put upon them. It now appeared that the court of which Laud was the soul would not be content with obedience. At least in public there must be no criticism of the system which it imposed upon the clergy. Such a result was but the logical consequence of Laud's conception of a Church. If the living spiritual forces moving in the hearts of men were not to be taken into account, a clergyman could no more be permitted to call in question the rules under which he lived than a colonel can be permitted to call in question the regulations of the army in the face of his regiment. It was because this conception was in itself a false one, not because the mode in which it was carried out was harsh and tyrannical, that Laud went astray. His system left no place for the infinite varieties of the human mind, and looked with horror upon the irregular action of individual life. The pulsations of the religious heart of England were too vigorous to be thus controlled. They called for a form of discipline more flexible, and less restricted to the expression of a single mood. Orderly freedom of speech and thought was the only remedy for the disease from which the English Church was suffering, and unfortunately Laud was never able to comprehend that freedom was more than another name for disorder.

Importance of the case.

Such a man, in such a position, needed to be constantly on the watch. The edifice which he was rearing was of so artificial a character that he dared not withdraw his eye from it for an instant. He had recently brought his authority to bear on the Presbyterianism of English merchants and English soldiers residing in the Netherlands, lest the contamination should spread to their native country. He now brought his authority to bear on foreigners resident in

1634. The foreign Churches.

England. Elizabeth had made no scruple in permitting the industrious French and Dutch refugees who fled from the axe and faggot to worship God in their own language and in their own fashion, and neither she nor James had interfered with their children because they continued to use the form of prayer to which their fathers had been accustomed in the land of their birth. Laud thought otherwise. He announced indeed his intention of permitting those persons who had been born abroad to continue to pray in their own language in churches of their own, provided that they consented to employ a translation of the English Prayer-book; but he held that their sons and daughters, born in England, were clearly English, and he announced to them that they would be expected to attend the parish church.[1] In vain the Englishmen amongst whom these children of a foreign race were settled pleaded earnestly in their favour. In vain they themselves petitioned for mercy.[2] Their deputies applied to Pembroke to admit them to the presence of the King, that they might assure him of their loyalty. Pembroke, Lord Chamberlain as he was, did not venture to introduce them to the Royal presence, and they were obliged to content themselves with offering their petition to Charles on his way from chapel. The King took the petition, and handed it to Pembroke. All that was gained was the revocation of the order for the use of the English Prayer-book so far as those were concerned who had been born abroad. No excuse was admitted on behalf of those who were born in England.[3]

1635.

Few governments would fall if they contented themselves with attacking only the devoted and the intelligent. But it is seldom that a government sufficiently blind to throw itself athwart the aims of the devoted and intelligent is clearsighted enough to spare the weakness and prejudices of the mass of mankind. It is possible

General irritation caused by Laud's proceedings.

[1] Minute of proceedings at Canterbury, Dec. 19, 1634, *S. P. Dom.* cclxxviii. 63.

[2] Prynne, *Cant. Doom*, 403.

[3] Heylyn, *Cypr. Angl.* 263. Joachimi to the States-General, Feb. $\frac{11}{21}$, *Add. MSS.* 17,677 O, fol. 287. Sommer to Dell, April 14, *S. P. Dom.* cclxxxvi. 85.

that Laud might have carried his point of reducing the clergy to discipline if he had left the laity alone. It is possible that he might have succeeded in meting out equal law to the rich and poor if he had left the Puritan clergy to worship according to their conscience. As it was, he irritated all classes in turn.

Attitude of the clergy.

More especially were the country gentlemen annoyed by the attitude of superiority assumed by the clergy. Hitherto the rector or the vicar of the parish had not ventured to hold up his head in the presence of the county families. It was well for him if they did not cheat him of his rights, encroach upon his income, or deprive him of the means of maintaining his church in repair. The clergyman of the parish now found himself exalted to a dignity to which he had been unaccustomed. He was the guardian of the morals of his parish, whose business it was to enforce ecclesiastical rules on the laity, to see that they did not eat meat in Lent without a certificate, nor send their carts across the churchyard. In any difference between the clergyman and the squire, the clergyman knew that he was certain of a favourable hearing with the archbishop, and that there would be a presumption at Whitehall that he was in the right and his opponent in the wrong. When the Government needed information upon which it could depend, it was increasingly in the habit of applying to the bishop or the rector, and of framing its action in conformity with the information which it thus obtained. The country gentlemen had long been made to feel that they were overshadowed by the officers of the Crown. They were now made to feel that they were overshadowed by the incumbents of their own parishes.

The feeling thus engendered served to intensify the mortification caused by the impartial strictness of the Ecclesiastical

Gentlemen before the High Commission.

Courts. Clarendon's description of Laud tells but part of the truth, as he shrinks from admitting that the Archbishop's unpopularity arose in any way from his antagonism to men of high religious principle. But as far as it goes, it is drawn from the life. "He did court persons too little," wrote Clarendon, "nor cared to make his designs and purposes appear as candid [1] as they were, by shewing

[1] *i.e.* as white or pure.

them in any other dress than their own natural beauty and roughness; and did not consider enough what men said, or were like to say of him. If the faults and vices were fit to be looked into and discovered, let the persons be who they would that were guilty of them, they were sure to find no connivance or favour from him. He intended the discipline of the Church should be felt as well as spoken of, and that it should be applied to the greatest and most splendid transgressors, as well as to the punishment of smaller offences and meaner offenders; and thereupon called for or cherished the discovery of those who were not careful to cover their own iniquities, thinking they were above the reach of other men, or their power or will to chastise. Persons of honour and great quality, of the Court and of the country, were every day cited into the High Commission Court upon the fame of their incontinence or other scandal in their lives, and were there prosecuted to their shame and punishment; and as the shame—which they called the insolent triumph upon their degree and quality, and levelling them with the common people—was never forgotten, but watched for revenge, so the fines imposed were the more questioned and repined against, because they were assigned to the rebuilding and repairing St. Paul's Church, and thought therefore to be the more severely imposed and less compassionately reduced and excused."[1] Such is Clarendon's picture of a man bravely combating evil—combating too, alas, many things which were not evil at all except in his own imagination.

Other causes of dissatisfaction were at work. A book which issued from the press in 1635 did much to strengthen the impression left by the Archbishop's proceedings. Shelford's *Five Discourses*[2] can hardly be said to have gone beyond the limits imposed by the English Church. But in reproving the unbecoming irreverence of his Suffolk parishioners, the author spoke in words which must have given offence to others besides the men who brought their dogs into the church, discussed the price of oxen in their pews, and expected their servants to interrupt their prayers in

Shelford's *Five Discourses.*

[1] *Clarendon*, i. 106.

[2] *Five pious and learned Discourses*, Cambridge, 1633.

order to stand up to do them reverence as they passed. The verses prefixed by Crashaw, a young Cambridge poet who was as yet but pluming his wings for a higher flight, were full of defiant scorn of those who resisted the change which had come over the outward form of the churches. He boasts that now

> 'God's services no longer shall put on
> Pure sluttishness for pure religion.
> . . . . . .
> No more the hypocrite shall upright be,
> Because he's stiff, and will confess no knee.'

Crashaw had caught the tone of the book to which his verses formed a prelude. It was better that the Suffolk boor of higher or lower degree should bow his head and bend his knee than that he should regard the church as a house built for his own recreation ; but it was not well that one who was labouring to rouse his parishioners to reverence should cast the same scorn upon those to whom the very thought was unknown, and upon those to whom the visible was but a hindrance to the uplifting of the heart in the presence of the invisible.

Baxter's reminiscences.

The mischief which men like Shelford were doing can only be appreciated in turning to the reminiscences of such a man as Richard Baxter. Baxter distinctly asserts that till 1640 he 'knew not one Presbyterian, clergyman nor lay, and but three or four nonconforming ministers.' He describes the mass of men almost exactly as Shelford describes them. "The generality," he says, "seemed to mind nothing seriously but the body and the world ; they went to church and would answer the parson in responds, and then go to dinner, and then to play ; they never prayed in their families, but some of them going to bed would say over the Creed, and the Lord's Prayer, and some of them Hail Mary : all the year long, not a serious word of holy things, or the life to come, that I could hear of, proceeded from them. They read not the Scripture, nor any good book or catechism. Few of them could read, or had a Bible."[1] Shelford's remedy for this was

[1] Baxter, *The true History of Councils*, 90.

to inculcate outward reverence in the hope that inward reverence would follow, and thus to draw on the soul by the study of the Bible, of good books, and by the listening to devout and godly conversation. Baxter's remedy was to quicken their souls to a higher life by telling them of the Saviour's love. In 1635 Baxter was but in his twentieth year. He was the spiritual child of Sibbes, whose *Bruised Reed* had, after many a struggle, taught him to know his life's work. To the Puritan love of logical precision he joined a flexibility of moral imagination which hindered him from seeing the world entirely through the spectacles of fallible ratiocination. He could hold the doctrine of conversion without thinking it necessary to fix the hour and the minute of the new birth, and he could hold the main Calvinistic theories without thinking it necessary to break even yet with the Church of which he aspired to be a minister. The description which he gives of those who were taunted as Puritans was doubtless a fair description of himself. "The other sort," he says, "were such as had their consciences awakened to some regard of God and their everlasting state; and according to the various measures of their understanding, did speak and live as serious in the Christian faith, and would much enquire what was duty and what was sin, and how to please God and to make sure of salvation; and made this their business and interest, as the rest did the world. . . They used to pray in their families, and alone; some on the book, and some without; they would not swear nor curse, nor take God's name lightly. They feared all known sin. They would go to the next parish church to hear a sermon when they had none at their own; would read the Scripture on the Lord's day when others were playing. There were, where I lived, about the number of two or three families in twenty; and these by the rest were called Puritans, and derided as hypocrites and precisians, that would take upon them to be holy; and especially if they told anyone of his swearing, drunkenness, or ungodliness, they were made the common scorn. Yet not one of many of them ever scrupled conformity to bishops, liturgy, or ceremonies, and it was godly conformable ministers that they went from home to hear; and these ministers being the ablest

preachers, and of more serious piety, were also the objects of the vulgar obloquy as Puritans and precisians themselves, and accordingly spoke against by many of their tribe, and envied for being preferred by godly men."[1]

In throwing scorn upon such men as these the Laudian clergy were but echoing the voices of the profligate and thoughtless crowd. It was by the mocking gibes of men like Shelford and Crashaw that the Puritans were alienated even more than by the removal of the communion-table or the reverential gestures of some of the clergy. Men like Baxter were estranged, too, by the want of moral earnestness which often lay behind the fiercest polemical display. At the end of 1634, a few months after the execution of the Star Chamber sentence upon Prynne, he found himself at Charles's Court. He had come thither in hopes of preferment, being urged by his parents to seek some more ambitious walk of life than that of a minister. For a month he remained in the house of Sir Henry Herbert, the Master of the Revels. "But," he says, "I had quickly enough of the Court; when I saw a stage-play instead of a sermon on the Lord's days in the afternoon, and saw what course was there in fashion, and heard little preaching but what was as to one part against the Puritans, I was glad to be gone."[2]

1634. Baxter at Court.

After his return home came his first questionings about conformity. "Till this time," he writes, "I was satisfied in the matter of conformity; whilst I was young I had never been acquainted with any that were against it, or that questioned it. I had joined with the Common Prayer with as hearty fervency as after I did with other prayers. As long as I had no prejudice against it, I had no stop in my devotions from any of its imperfections. At last, at about twenty years of age, I became acquainted with Mr. Simmonds, Mr. Cradock, and other very zealous godly nonconformists in Shrewsbury and the adjoining parts, whose fervent prayers and savoury conference and holy lives did profit me much; and when I understood they were people prosecuted by the bishops, I found much prejudice arise in my

1635. First questionings about conformity.

[1] *History of Councils*, 91. [2] *Life*, 11.

heart against those that persecuted them, and thought those that silenced and troubled such men could not be the genuine followers of the Lord of love."[1]

Stafford's *Female Glory.*

If Shelford but interpreted one side of the teaching of his Church, Anthony Stafford went far beyond it. His *Female Glory* was a biography of the Virgin, pieced out with legendary and imaginative details. To the Puritan, and, it may fairly be said, to the Protestant, the book was repulsive, as ascribing honour only short of divine to a created being. Nor is it less objectionable from the self-conscious prudishness[2] of the character held up as a model of excellence beyond the reach of human imitation.

Growing fear of Rome.

The knowledge that such a book had passed the licenser's hands might easily minister food to the growing belief that the Archbishop's energy of interference could only be explained by a settled purpose of leading England in chains to the feet of the Pope. The suspicion was entirely unfounded. Laud was too serenely and imperturbably assured of the strength of his own position to look elsewhere for authority and support. There were, however, others who felt less secure of their ground, and opened their ears gladly to the teaching of the emissaries of Rome.

Attractions of the Catholic priests.

Of those who were influenced in this direction a few may have regarded the Anglican ceremonies as too bald or too stiff for purposes of devotion; but the greater part sought a refuge from the burden of conscientious inquiry, either because they honestly preferred peace of mind to the agitation of doubt, or because they asked for some

[1] *Life*, 13.

[2] The word is surely justifiable in face of the passage commenting on the words of the Annunciation: "And when she saw him, she was troubled at his saying, and thought what manner of salutation that should be." It is this: "She saw herself alone with one altogether a stranger to her, whose face she neither knew nor his intent. True it is his language was smooth and even; but as fair words as these have often proceeded from a foul heart. She trembled at the salutation, thinking him to be a man subject to abhorred lust, and therefore feared violence." Compare this with the slowness with which the Isabella of *Measure for Measure* discovers that she is actually in the presence of a tempter.

assurance of salvation in another world which would dispense them from the necessity of following in the present life the precepts common to all Christian churches.

Nor was the English Church herself, as she appeared under her new rulers, free from blame. Built up in the sixteenth century by men who strove to reconcile breadth of intellectual inquiry with a conservative attachment to ancient forms and habits of thought, she was taking up in the seventeenth century, under Laud's guidance, a position altogether narrower and less sympathetic. The tendency to rational inquiry was dwindling into a contempt for the freespoken, if often ignorant, promptings of the heart. "A wise and discreet sermon," wrote Shelford, "not made by every minister, but by a man of reading and discretion, right well beseemeth this holy place. Preaching is God's mouth to His people; therefore great care must be had that it be not abused either with false doctrines or unsavoury speeches. In this case St. Paul makes his exclamation, 'Who is sufficient for these things?' How this is regarded, none but the learned see. Not how well, but a sermon of the vulgar is expected."[1] If the better side of the Puritan resistance was its protest against this attempt to confine teaching to a learned oligarchy holding correct opinions, the better side of the Catholic resistance was its protest against Laud's overstrained appeal to law. If there must be uniformity, why not the uniformity of Western Christendom rather than the uniformity of a single nation? If the legitimacy of forms of worship was to be tested by their legality, why not try them by the law of centuries rather than by the recent legislation of Henry and Elizabeth? Such questioning was hard to answer, save by men in whom the broader spirit of the Reformers was living. Neither Cranmer nor Laud were men without great virtues or grave faults. But whilst Cranmer's face had been turned steadily forward towards the future, Laud's gaze was fixed in contemplation of a bygone and, to some extent, an imaginary past.

A ballad of the day gives voice to the increasing feeling of

[1] *i.e.* The vulgar do not ask whether the sermon be good; any sermon pleases them. *Five Discourses*, 35.

dislike with which the anti-Puritan clergy were regarded. The new churchman of the times, it was said, wore a cardinal's cap as broad as the wheel of a cart, and a long cassock reaching to his heels. He was so hungry that he said but a short grace in his hurry to get to his meal, and he ate so much that he could not say a long grace afterwards. He swore no man was predestinated, and turned away his curates if they preached twice in a day. He hoped to be saved by good works, but never did any ; and on Sundays he played at cards and dice in order to confute the formalists. He would not call himself a Protestant, but only a Christian,

Ballad on the clergy.

"And comes out Catholic the next edition."[1]

The fear expressed in this line formed the keynote of the growing ill-temper of the nation. It was the fault of Laud's political system that every conversion to the Church of Rome acquired an exaggerated importance. The King's supremacy in Church and State had received, with Laud's approbation, the widest interpretation. It was by the King's authority that sweeping changes had been effected in the Church. Why might not the King's authority effect more sweeping changes still? Though no one as yet ventured to throw doubt on the sincerity of Charles's Protestantism, the Queen was an acknowledged Catholic, and she loved, as far as her volatile nature permitted, to forward the designs of Catholics. The late Lord Treasurer had died a Catholic, and no one knew how many of the officers of State were ready to follow his example. There was a spreading apprehension of danger. The English Church, it was thought, might at any time be the victim of a conspiracy carried on in the very name of the King, and there were many who believed that of such a conspiracy Laud was the prime mover.

[1] *Rous's Diary*, 79.

CHAPTER LXXIX.

PANZANI'S MISSION.

THE position of the Catholics in England had been in some respects ameliorated since Charles's accession, and more especially since his quarrel with the House of Commons. The payments into the exchequer which, except in the cases of a few very wealthy persons, had been fixed by law at two-thirds of the rental of a recusant landowner, were commuted for one-third, to be paid by all who came forward voluntarily to claim the benefit of the King's offer.[1] The arrangement brought more money into the exchequer than had been brought before. The recusancy fines, which had been valued at 6,000*l.* a year in 1619, were valued at 20,000*l.* in 1635. The burden, however, was more generally diffused, and its incidence was therefore less oppressive on individuals. Many Catholics who had not paid before paid now, whilst some Catholics who had been heavily mulcted found themselves in a better position. At the same time a check was put upon the annoyance caused by the visits of pursuivants and spies. The petty tyranny over poorer Catholics, the seizure of household furniture from those who had neither lands nor houses, was lightened, if it did not quite come to an end. Ostensibly there was no relaxation of the persecuting laws against the priests, but except in special cases they ceased to be put in force, and mass was heard in secret wherever a Catholic family was desirous of the privilege.

1635. Position of the Catholics.

One circumstance made it difficult for the Catholic clergy

[1] The statement of Rushworth that much less was taken is examined, and shown to be incorrect, by Lingard, vii. App. III.

to take full advantage of their improved position. Ever since the end of the preceding century they had been disunited amongst themselves. On one side were the religious orders, of which the foremost was the busy and strictly disciplined Society of Jesus. On the other side were the more loosely organised secular clergy. At the end of James's reign the secular clergy had obtained from the Pope the appointment of a bishop to subject all the clergy in England to a uniform discipline. William Bishop first, and then William Smith, were appointed to the office, with the title of Bishops of Chalcedon. So bitter was the hostility of the Jesuits that they did not scruple to inform the Government of both these nominations.[1] Two proclamations, one in 1628 the other in 1629, commanded the banishment of Bishop Smith. For two years he remained hidden in the house of the French ambassador, receiving visits from the Catholics who came to see him. By the end of that time the pressure put on him by the Jesuits had made his position untenable. In 1631 they circulated a petition to the Pope against him, which they persuaded a large number of the Catholic nobility and gentry to sign. If the secular priests are to be trusted, the Jesuits used the most nefarious means to accomplish their object. Many signatures to the petition were absolutely forged by them. Others were obtained by misstatements of every kind.[2] The Jesuits asserted that if a bishop were allowed to establish himself in England he would set up a jurisdiction of the most galling description, would take from the laity their confessors, and meddle with their private affairs. This petition was entrusted to Coloma, and soon afterwards the attempt to establish episcopal jurisdiction was abandoned.

Divisions amongst the Catholic clergy.

1629. Banishment of the Bishop of Chalcedon.

1631. The Jesuits drive him away.

The natural desire of the Catholics to spread their religious belief found support in the Queen. Her chapel in Somerset House was open to all who chose to visit it, and though restrictions were occasionally placed by the

The Queen's chapel.

[1] This appears with respect to Bishop from Lingard, vii. Note K K K, and with regard to Smith from Panzani's Relation. *Add. MSS.* 15,389, fol. 99.

[2] These statements were brought to Panzani.

Government upon the access of visitors, she had always sufficient influence over her husband to obtain their removal. The Capuchins who officiated in the chapel were unwearied in visiting the sick, and in carrying the consolations of their religion to those who accepted their ministrations, and their zeal was often rewarded by conversions from Protestantism.

All this, though shocking in the eyes of contemporary Protestants, has nothing to call for reprobation. The special danger which had made toleration impossible for Elizabeth had passed away. The Catholics were reckoned by those who had the best means of judging at about 150,000, in the midst of a population of perhaps somewhat less than 3,000,000. The advantage of moral and intellectual energy was also on the side of Protestantism, unless its temper had been softened and its strength relaxed by the Laudian discipline. Even after making every allowance for the hostile medium through which our knowledge is obtained, it cannot be doubted that the discord between the Jesuits and the secular priests worked ill for the morality of their flocks. It is from Catholic lips that we learn that the rules relating to marriage laid down by the rival fathers were hopelessly inconsistent with one another, and that one side would treat a marriage as invalid which had been pronounced valid by the other.[1] Scandal was given by the light behaviour of young priests in their intercourse with women. It is no less clear that a large proportion of the conversions made were utterly worthless. Many a nobleman was accustomed to keep in his house a Catholic priest to reconcile him on his death-bed, as Portland had been reconciled,—a practice which the more honest priests stigmatised as disgraceful, but which was the result of attributing to an act done on a death-bed a magical efficacy to wipe away the iniquity of a whole life.[2]

Number of the Catholics.

Their moral position.

[1] Panzani's letter, $\frac{\text{Feb. 20}}{\text{March 2}}$, 1635, *R. O. Transcripts.*

[2] Compare Panzani's rejoicing that in many cases the scheme broke down by death anticipating the arrival of a priest, with the bland satisfaction of Father Cyprian de Gamache at Portland's reconciliation, in *Court and Times*, ii. 331.

The real danger arose not from the Catholic clergy, but from the Government. Everywhere men were being taught that it was their duty to submit to the King. They saw practices and customs everywhere enjoined upon them of which they had known nothing before, and they began to suspect that some deeper motive was in existence than reached their ears. They knew that language which had been unheard in the reign of Elizabeth was freely used. The clergy talked of priests and altars, sometimes of auricular confession and of honours to be paid to saints. The inference—hasty it may be, but natural enough—was that there was a deep plot to wean the nation from its Protestantism.

Danger apprehended from the Court.

Charles had need to walk warily. Unluckily for him, he did not perceive the danger which he was running. He fancied that he could make use of the Pope for his own objects, just as he fancied that he could make use of the kings of France and Spain.

Charles thinks he can make use of the Pope.

His first object was to obtain from the Pope a permission for his Catholic subjects to take the oath of allegiance. In December 1634, Gregorio Panzani, a priest of the Oratory, had arrived in England with a special mission from Rome to settle the disputes amongst the Catholics, and to obtain from Charles, through the influence of the Queen, an alleviation of their situation. Charles, who would not openly receive him, appointed Windebank to hear what he had to say, and especially to ask that something might be done about the oath.[1]

1634. Dec. 12. Arrival of Panzani.

Panzani had every reason to be satisfied with Windebank. Morally and intellectually timid, the Secretary was thoroughly alarmed at the progress of Puritanism, and looked anxiously about for a shelter against the storm, of which he could avail himself without an absolute surrender of all the ideas which he had imbibed in his childhood and youth. By the side of Portland and Cottington he shows to advantage. If he was a weak man, he was not without a certain honesty of purpose, and if he missed the way in

1635. January. Panzani and Windebank.

[1] Panzani's letter, Jan. $\frac{9}{19}$, *R. O. Transcripts.*

his searchings after truth, it was at least truth that he sought, and not pelf in this world or exemption from punishment in the other. It is easy to understand how this honesty of purpose had commended him to Laud, and how his hesitation and general weakness drew him into courses of which Laud could not approve.

Panzani and Windebank had not often met before they began to talk of other things besides the oath of allegiance. In 1634, Christopher Davenport, a friar who went by the name of Franciscus a Santa Clara, and who was a brother of the John Davenport who had been one of the feoffees and who had subsequently emigrated to New England, had published a book—*Deus, Natura, Gratia*—the object of which was to explain away the differences between the Church of Rome and the Church of England. Windebank and Charles himself looked hopefully to the strength which they would derive from some kind of understanding with Rome, the exact nature of which they had not defined to themselves, and Windebank was therefore shocked to hear that the Pope thought of censuring the book. Panzani listened to his expostulations, and saw a possibility of drawing over to his side men who were so well pleased to explain away the differences between the Churches. He at once took the measure of Windebank's intelligence. He wrote to Rome for a quantity of sacred pictures and artificial flowers to be distributed in presents among the King's ministers. "In this way," he explained, "we shall gain not only the men, but their wives and daughters as well."[1]

1634. *Deus, Natura, Gratia.*

Panzani found that the King did not welcome the idea of seeing a Catholic bishop in England. Windebank had less objection. He wished for quiet times, and a good understanding between the King and the Pope seemed admirably suited to forward his aim. He suggested that the Pope should send an agent to reside with the Queen, who might be employed to smooth away difficulties, and that the Queen might have an agent at Rome for a similar purpose.

1635. Project of a Papal agent in England.

[1] Panzani's letter, Jan. $\frac{16}{25}$, *R. O. Transcripts.*

It is hardly likely that he would have made so important an overture without directions from his master.[1]

A few weeks later Windebank showed that his views of accommodation went far beyond the good offices of ambassadors. Why, he asked, could not the Church of Rome allow communion in both kinds? Panzani referred him to the works of Catholic authors to enlighten his mind. Windebank was evidently half-convinced already. "If it were not," he said, "for the Jesuits and the Puritans, we should perhaps unite with Rome." Panzani told him that if so great an object was to be attained, the Pope would make no difficulty in removing the Jesuits from England.

March. Religious conversation with Windebank.

Windebank would plainly have been glad to get rid of the Jesuits. With men of his temper, strength of will and force of character are always annoying. As for the Puritans he ventured to suggest a splendid scheme of his own for suppressing them. The King was at that time preparing to send forth the fleet which was to be supported by the first levy of ship-money. Why, said the Secretary to Panzani, should not the King place soldiers under trusty commanders on board the vessels? He might easily find a pretext to keep some of them in London. Others he might post at other important points. In this way he might be without fear. He might weed out seditious persons from his kingdom by sending them to the wars in Flanders. The priest replied that Charles might count upon the Pope to supply him with captains, soldiers, and money. Such was the discourse which an English Secretary of State allowed himself to carry on with a foreign ecclesiastic. The year before Windebank had been employed by Charles to contrive how the naval forces of England could be used against a friendly nation. This year he was contriving how they could be used against Englishmen. No wonder that the path which he took diverged from the path of Laud.

Windebank's scheme for suppressing the Puritans.

Panzani humoured the man with whom he had to deal, and asked him what concessions the English Church would require if it was to effect a reunion with Rome. Windebank

[1] Panzani's letter, $\frac{\text{Feb. } 20}{\text{March } 2}$, *R. O. Transcripts.*

went through the usual list. Communion in both kinds, the mass and other offices in English, and permission to the clergy to marry. Panzani listened sympathetically, but took care to promise nothing. He suggested that the last demand proceeded from the married clergy themselves. Windebank, whose own comfortable family life was not threatened, acknowledged that he himself detested the idea of the marriage of the clergy. Panzani pressed him at least to advocate liberty of conscience for the Catholics. Windebank assured him that the King would make no difficulty about that, if only the Catholics would take the oath of allegiance.[1]

Terms of reunion with Rome discussed.

Panzani was not without hope that something might come of these overtures. He reported that Catholic doctrines were growing in favour with the Court. Two sermons had been preached before the King recommending sacramental confession, and the conversation had turned on the subject at the King's supper table. A lady remarked that if confession were introduced the clergy must not marry, lest they should tell their wives of all the sins confided to them. Panzani thought that Divine Providence was leading the English to appreciate the blessings of a celibate priesthood.[2] Windebank was not so hopeful. The King, he said, had already given permission to the Queen to send an agent to Rome, but it would take another century to effect the reunion of the Churches. If the Pope would allow the Catholics to take the oath of allegiance in a modified form, it would be a step in the right direction. Panzani, however, found that there were bad signs as well as good ones. Laud had been preaching that tradition was not to be trusted as much as the Scriptures.

March. Tone of the Court.

Others, besides the Secretary, treated Panzani with courtesy. Arundel showed him his pictures and statues. Cottington reverently took off his hat whenever the Pope's name was mentioned. If, however, these men

The Pope will yield nothing.

[1] Panzani's letter, $\frac{\text{Feb. } 27}{\text{March } 9}$, *R. O. Transcripts.*

[2] Ibid., March $\frac{13,\ 20,\ \text{March } 27}{23,\ 30,\ \text{April } 6}$, *ibid.*

expected the Pope to make concessions to the English Government, they were now undeceived. Panzani had to announce that he would propose nothing about the modification of the oath, and that *Deus, Natura, Gratia* had been proscribed at Rome. The King was vexed at the news, especially as a book had lately appeared arguing on behalf of the right of subjects to depose their kings.

April.

At this moment Portland's death had just taken place. Rumours reached Panzani that Parliament was to be summoned. The Secretary assured him that they were quite untrue. "O the great judgments of God!" said Windebank. "He never punishes men with those means by which they have offended. That pig of a Henry VIII. committed such sacrilege by profaning so many ecclesiastical benefices in order to give their goods to those who being so rewarded might stand firmly for the King in the Lower House; and now the King's greatest enemies are those who are enriched by these benefices." Cottington took the matter less seriously. "Who told you such nonsense?" he said, laughingly, when Panzani spoke to him of his fears of a Parliament.

Windebank on Parliaments.

To some extent the Queen helped Panzani. She brought the little Prince to mass, and talked the King out of his displeasure; but she could not be induced to give herself much trouble. She would take up warmly any special case of persecution; but constant application to business of any kind was not to be expected from her.[1]

The Queen will not apply herself.

Week by week Panzani noted in his letters various reasons for hopefulness. Carlisle told him that he was quite ready to accept all that was taught at Rome, except the claim of the Pope to depose kings. Lord Herbert of Cherbury talked to him about his contemplated History of Henry VIII., assuring him that if he told the truth of that sovereign he would have little good to say of him, and that he would treat his subject as favourably as possible to the Church of Rome. He acknowledged, he said, the Roman

July. Panzani's hopes.

[1] Panzani's letters, $\frac{\text{March } 27}{\text{April } 6}$, April $\frac{10, \text{ April } 24}{\text{May } 4}$, *R. O. Transcripts.*

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Church as the mother of all churches, and would be glad to submit his book, *De Veritate*, to the judgment of the Pope. At Cambridge, a Dr. Martin to whom Windebank recommended Panzani, showed him some pictures of saints in pontifical vestments, saying with a sigh, "Ah, when will such splendour be restored to our Church?" Walter Montague, the witty and accomplished favourite of the Queen, came to announce his departure for Rome, and his intention to become a Father of the Oratory.[1]

It was not so easy to bring Windebank to the point. "It is very difficult," he said, "to leave the religion in which one has been born." "If only," he murmured, "Rome had but a little charity."[2] Before the end of October, however, Windebank announced to Panzani that he had now received the King's orders to confer with him on the reunion with Rome. Laud, he added, had warned the King that if 'he wished to go to Rome, the Pope would not stir a step to meet him.'

September Windebank's hesitation.

October. Laud's prediction.

It may be that the King's expressions were exaggerated by Windebank. At all events, preparations were being made for despatching an agent to reside in Rome on the Queen's behalf. Sir Robert Douglas, who was first chosen, died suddenly, and the King then selected Arthur Brett, who had once been set up by Middlesex as a rival of Buckingham. Con, a Scotchman, was named as a fitting person to represent the Pope at Somerset House.[3]

An agent to go to Rome.

In the beginning of November, Panzani received an invitation to confer with Bishop Montague, the author of the *Appello Cæsarem*. Years had passed away since Montague had engaged in literary warfare with priests and Puritans alike. He now told Panzani 'that, after reflecting deeply on the matter, he confessed ingenuously that he did not know why the reunion should not be made, as he knew that the two Archbishops, the Bishop of London, and some other bishops, with many of the most learned clergy, held the

Nov. 3. Bishop Montague on the reunion.

[1] Panzani's letter, July $\frac{15}{25}$, *R. O. Transcripts.*

[2] Ibid., Sept. $\frac{2}{12}$, *ibid.* [3] Ibid., Oct. $\frac{14}{24}$, *ibid.*

opinions of Rome on dogma, and especially on the authority of the Pope, whom he confessed to be the Vicar of Christ, the successor of St. Peter, without whom nothing could be determined to bind the whole Church, nor could a Council be convoked.' 'He said freely,' added Panzani, 'that he believed what I believed, except transubstantiation.' The bishop then went on to say that the best thing would be to hold a conference of deputies on both sides, to meet in France. Panzani expressed his satisfaction, but declined to write to the Pope till the proposal was made by the King or by some public minister in his name. Montague acknowledged this to be right, and promised to speak with Laud on the subject, adding, however, that Laud was 'very timid and circumspect.'[1]

Montague ought to have known better than to have applied such epithets to Laud. Neither the Archbishop nor the King was likely to listen seriously to the scheme. Charles, however, in the hope of gaining something for himself, did not object to play with danger. It cannot be said how far he shared Windebank's belief that it would be a great advantage to have some one to excommunicate his subjects if they proved unruly, but at all events he had hopes of bringing the Pope to help him about the Palatinate. The greater part of the instructions given to Brett related to his nephew's affairs.[2]

Brett's instructions.

Brett's mission caused no slight commotion at Court. The King's behaviour was all the more eagerly watched. It was told how, when he visited the Queen's new chapel in Somerset House and gave directions about placing the pictures, he bowed reverentially as he left the building. Walter Montague's conversion became a subject of gossip, and the letter in which he announced it to his father, the Earl of Manchester, passed from hand to hand.[3]

December.

Almost every week Panzani had to write of the growing

[1] 'Pauroso e circonspetto;' Panzani's letter, Nov. $\frac{4}{14}$, *R. O. Transcripts.*

[2] Ibid, Nov. $\frac{11}{21}$, *ibid.*

[3] W. Montague to Manchester, Nov. 21, *S. P. Dom.* cccii. 50. Panzani's letter, Dec. $\frac{16}{26}$, *R. O. Transcripts.* Garrard to Wentworth, Dec., Jan. 8, *Strafford Letters*, i. 489, 505.

disposition at Court to regard the Catholic doctrines with favour. The Queen had promised to do her best to bring up her son as a Catholic. Goring was found reading Catholic books. Goodman, Bishop of Gloucester, said divine offices in private out of the Roman Breviary, and asked permission to keep an Italian priest to say mass secretly in his house. Cottington had been ill, and had made his usual declaration of Catholicism. Such indications were of little value independently, but they served to show how the tide was running, and they were certain to appear in the eyes of Protestants to be of far more importance than they really were.[1]

1636. January. Panzani's news.

The King took alarm. He had been willing to be on friendly terms with the Pope, but he had no idea of sacrificing his ecclesiastical or political position to the See of Rome. In January Laud's influence seemed to be at an end. On the 23rd he assured Wentworth of his belief that Cottington would soon have the Treasurer's staff.[2] In February he had better hopes. The Queen was prohibited from taking the Prince with her to mass. Montague's promised meeting with Panzani was postponed.[3] Cottington found that his chances of grasping the Treasurer's staff were rapidly slipping away.

Laud regains influence.

As soon as it had become clear that Wentworth would not leave Ireland, Laud had selected the Bishop of London as his candidate for the vacant office. Cottington, as soon as he saw his danger, had redoubled his intrigues. He carried to Necolalde news of the latest utterances of the King in the Committee of Foreign Affairs. He flattered the Queen, and offered to do his best to forward the great scheme for the reunion of the Churches. He expressed to Seneterre his willingness to support the designs of France against Spain, as he had previously expressed to Necolalde his willingness to support the designs of Spain against France. Perhaps Charles had some inkling of his double-dealing.

January. Cottington's intrigues.

[1] Panzani's letters, Jan., Feb., *R. O. Transcripts.*

[2] Laud to Wentworth, Jan. 23, *Works*, vii. 229.

[3] Panzani's letters, Feb. $\frac{3}{13}$, $\frac{17}{27}$, *R. O. Transcripts.*

Perhaps he shrank from entrusting an office so important to one who supported, however fitfully, the Catholic propaganda.[1]

February. The King resolves to make Juxon Treasurer.

At all events, he decided in favour of Juxon. The Bishop was modest and unassuming, and had shown himself to be possessed of habits of business in his management of the property of St. John's College during the time of his Presidentship. He had neither wife nor family to tempt him to amass wealth, and his honesty was beyond dispute.

Cottington and Seneterre.

As soon as Cottington knew his fate, he accepted it with his usual cheerfulness. He mystified Seneterre by assuring him that being himself too ill to attend to the duties of the office, he had recommended the bishop as a friend of his own. The suggestion, he continued, had been accepted by Laud, who had said that he did not care who was Treasurer as long as Cottington was not. Seneterre, who did not believe the story, replied by warm congratulations on his recovery, upon which Cottington returned his best wishes for the success of the Frenchman's diplomacy. Seneterre was fairly puzzled at his cool audacity. Was Cottington simply angling for a French pension, or did he foresee the failure of Charles's negotiations with the Emperor, and so wish to be on the winning side?[2]

March 6. Juxon Treasurer.

Language which only amused Seneterre exasperated Laud. On March 6, 1636, the Archbishop was gratified by the appointment of a Treasurer who would never make a joke or accept a bribe. In delivering the staff to Juxon, Charles explained that he needed a minister who would be 'discreet and provident for the good of his children whom God had blessed him with. Such a conscionable man, he thought, might best be found amongst the clergy.' "Among the clergy," he continued, turning to Juxon as he spoke, "I judge you, my Lord of London, the fittest, since you have no children."[3] "No churchman," noted Laud in his diary, "had

[1] Seneterre to Bouthillier, $\frac{\text{Jan. } 27}{\text{Feb. } 6}$, *Bibl. Nat.* Fr. 15,993.

[2] Ibid., Feb. $\frac{3,\ 10,\ \text{Feb. } 24}{13,\ 20,\ \text{March } 5}$, *ibid.*

[3] Crosfield's Diary, in *Laud's Works*, iii. 226, note.

it since Henry the Seventh's time. I pray God bless him to carry it so that the Church may have honour, and the King and the State service and contentment by it; and now if the Church will not hold up themselves under God, I can do no more." [1]

The choice a confession of weakness.

Laud's song of triumph was, in fact, a confession of weakness. Not one layman, forsooth, not even one married clergyman, to be found in England, who could be trusted as Juxon was trusted! Was this the result of Laud's great religious revival? Were Middlesex and Portland fair samples of the laity of England? Had Charles no choice between a Juxon and a Cottington?

Juxon at the Treasury.

Juxon himself made no enemies. He did his work quietly and industriously, never had a sharp word for anyone, and kept sedulously aloof from the factions into which the Court was divided. Nevertheless, there was loud murmuring amongst the English lords at his elevation, as there had been murmuring amongst the Scottish lords at Spottiswoode's elevation the year before. The irritation which had been stirred in the winter by the exaction of ship-money acquired a sharper, more personal edge in the spring. The clergy, it was said, were drawing all employments into their hands. The voice which had been raised from the manor houses of every county found an echo in the presence chamber of Whitehall.[2] When the bishops were seen riding through

[1] Laud's *Works*, iii. 226. Heylyn (*Cypr. Angl.* 285) says Laud had discovered that a Treasurer could honestly make 7,000*l.* a year without defrauding the King or abusing the subject. He had also observed 'that divers Treasurers of late years had raised themselves from only mean and private fortunes to the titles and estates of Earls, which he conceived could not be done without wrong to both: and therefore he resolved to commend such a man to his Majesty for the next Lord Treasurer who, having no family to raise, no wife and children to provide for, might better manage the incomes of the Treasury to the King's advantage than they had been formerly.'

[2] Correr to the Doge, March $\frac{11}{21}$, *Ven. MSS.* In his despatch of $\frac{\text{March } 25}{\text{April } 4}$, he describes Juxon as follows:—"Certo è persona di grand' integrità, niente appassionato di alcun partito, condizione stimata molto

the streets, the bystanders would, half-jestingly, half-angrily, call one another's attention to the passage of the Church triumphant.[1]

Laud was in as much danger from his friends as from his enemies. He could place a dependent at the Treasury, and he could cite Puritans before the High Commission; but the fatal power of enforcing silence upon others brought upon him the responsibility for all that was spoken or written against the Puritans. Though both he and Juxon refused even to see Panzani, and kept themselves strictly aloof from the intrigue which was gathering round him, they could not stop the mouths of others. Bishop Montague, in a sermon preached before the King, recommended that stone altars should be substituted for the communion-tables. In his diocese, he boasted to Panzani, there was not a minister who would venture to speak against the Pope. Laud, he added, was well-intentioned, but very timid. Panzani told him plainly that he must not expect Rome to change an iota of her dogmas. Montague professed that he looked for no such change, but Panzani suspected strongly that when special points came under discussion the agreement would not be found so great as the Bishop thought. Montague, he found, expected his orders to be recognised at Rome, which, as he knew very well, was a concession most unlikely to be made. Evidently the Bishop was deceiving himself if he expected to join Rome otherwise than on her own terms. He himself, however, did not see the difficulty. With the exception of Morton, Davenant, and Hall, he said, all the bishops were enemies of the Puritans. Half-jestingly, Panzani said to him that he would be a Papist one day. "What harm," he replied, "would there be in that?" As to the reunion, he had no doubt of its achievement. "I see," he said, "things insensibly improving through the promotion of moderate men."[2]

Laud holds aloof from Panzani.

March 20. Montague's sermon.

April.

pregiabile, non trovandosi cosi ordinariamente a tempi presenti in ogni persona."

[1] May, *Hist. of the Parliament*, 23.

[2] Panzani's letter, $\frac{\text{March 23, April 27}}{\text{April 2, May 7}}$, *R. O. Transcripts.*

It is beyond doubt that in thus speaking Montague wronged the greater part of his episcopal colleagues. But that which seemed possible to him might easily seem certain to others, and Laud had to bear the blame of extravagances which he would never have countenanced himself. Nor could he ever feel sure of the King. Doubtless he knew that Charles would not lay his crown at the feet of the Pope, or sanction an abandonment of the specific doctrines of the English Church. But it was less easy to calculate on his actions than on his aims, and nothing was more likely than that he would swerve from the straight path by sheer inability to realise the direction in which each special concession was tending. He had had no objection to talk over the reunion as something within the range of possibility, and he had welcomed heartily the notion of sending an agent to Rome in the Queen's name. Brett had fallen ill, and died in the beginning of April. A substitute was found for him in William Hamilton, a brother of the Earl of Abercorn. The selection of a Scotchman was particularly offensive to the English courtiers.[1] At the same time it was given out by Panzani that Con would come with great splendour to revive the esteem for the Papal name. The King, remarked the Venetian ambassador, would probably wish his splendour to be less conspicuous.[2]

Charles and the reunion.

Hamilton to go to Rome.

Con to come to England.

About the same time a circumstance occurred which showed that in matters of discipline at least, Laud could depend on the King. Long ago the marriage which James had arranged between Buckingham's brother and Frances Coke had ended in the scandal which, as in the case of Lady Essex, was the sad result of the cruelty which had bound a lively and sprightly girl to a husband who was distasteful to her. James could turn Sir John Villiers into Viscount Purbeck, but he could not make him an agreeable or sensible man. When, in a few years his weakness of mind assumed the form of absolute insanity, his wife left him to live

1624.

Case of Lady Purbeck.

[1] Panzani's letters, April $\frac{13}{23}$, May $\frac{8}{18}$, *R. O. Transcripts.*

[2] Correr's despatch, $\frac{\text{April } 22}{\text{May } 2}$, *Ven. MSS.*

in adultery with Sir Robert Howard, a younger son of Lord Treasurer Suffolk. In 1624 proceedings were commenced against her in the High Commission Court, which ended three years later in a sentence of separation from her husband and the injunction of penance to be performed for her fault. At that time, however, she eluded the authority of the court, and it may well be believed that the officials did not show any great eagerness to expose the sister-in-law of the great Duke in a white sheet to the gaze of a London mob. Lady Purbeck soon found her way to her paramour, living with him for many years and bearing him children at his house in Shropshire.

1627.

In the spring of 1635 Sir Robert and the lady ventured to come to London in company. Charles, whose feelings of propriety were offended, bade Laud to abate the scandal. Lady Purbeck was accordingly arrested, thrown into the Gatehouse, and ordered by the High Commission to perform the penance which she had hitherto avoided. Before the appointed day arrived, Sir Robert had bribed the keeper of the prison, dressed his mistress in man's clothes, and sent her off in this disguise to France. The court at once called him to account, and ordered his imprisonment till he produced the partner of his guilt. He remained in the Gatehouse till June, when he was set free upon bond not to come into her company again.[1]

1635. Her commttal and escape.

In February 1636 a fresh effort was made to enforce the sentence of the court. A writ was issued commanding Lady Purbeck to return to England upon her allegiance, and Lord Scudamore, the English ambassador in Paris, was directed to serve it on her if he could find her.[2] Scudamore's messenger discovered the house in which she was, and threw the box containing the writ in at the window. This barefaced attempt to serve the King of England's writ in the streets of Paris quickly drew the

1636. Feb. 8. She is summoned to England.

March 7.

[1] *Laud's Works*, iii. 392. Acts of High Commission, Ap. 16, 23, 30, June 3, *S. P. Dom.* cclxi. fol. 191, 201, 209 b, 214 b, 218.

[2] Warrant, Feb. 8, *S. P. Dom.* cccxiii. 58. Coke to Scudamore, March 7, *S. P. France.*

attention of Richelieu, and a guard of fifty archers was at once sent to offer protection. In the end, Lady Purbeck withdrew for safety to a nunnery.[1]

Lady Purbeck had recently announced her conversion to the Papal Church. Immediately, all the weapons in the armoury of that Church were put in use in her favour. The Duchess of Buckingham, who, much to the King's disgust had recently married the young Irish Lord Dunluce, was induced to speak in her behalf, and to urge Lady Denbigh to forbear inciting the King against her erring sister-in-law. The Queen of France wrote to Henrietta Maria begging her to procure a licence for Lady Purbeck's return to England, and even Cardinal Barberini wrote a similar letter, which was only kept back by Panzani after he heard that the lady had left the nunnery, and that she was therefore not to be regarded as having 'an entire reputation.'[2]

Efforts in her favour.

May.

June.

July.

Lady Purbeck, in fact, was not exactly the sort of person to find herself at home in a nunnery. She refused to conform to the regulations of the establishment. The nuns soon began to regard her with aversion. One day they omitted to provide her dinner. She resolved to leave the shelter which they had afforded to her. In July she was at large in Paris, and it was reported that Sir Robert Howard was on his way to join her.[3]

Lady Purbeck leaves the nunnery.

Under these circumstances Charles was firm. He refused to allow Lady Purbeck to come home. For some time she continued in Paris, living in much distress.[4]

In the summer of 1636 the Metropolitical Visitation was almost drawing to a close. A few months later the searching light of inquiry would have been thrown upon every diocese in England. Slothful inactivity, petulant self-will, and, alas! also religious zeal and conscientious conviction, had been alike rebuked and irritated. Laud's last

End of the Metropolitical Visitation.

[1] Scudamore to Coke, March 25, *S. P. France.*

[2] Panzani's letters, $\frac{\text{April } 27, \text{ June } 28}{\text{May } 7, \quad \text{July } 8}$, July $\frac{19}{29}$, *R. O. Transcripts.*

[3] Scudamore to Coke, July 11, *S. P. France.*

[4] Sir K. Digby to Conway, Jan. 21, 1637, *S. P. Dom.* cccxliv. 58.

triumph was the allowance of his claim to include the Universities in his visitation. This claim was debated before the King and Council, and decided in his favour. As far as Oxford was concerned the victory was of slight importance. During his vigorous Chancellorship, opposition, though it still existed, had long ago been silenced. An admiring crowd of masters and doctors looked up to him as their patron and benefactor. In Cambridge it was far otherwise. Under the protection of their Chancellor, Holland, that University had set the Archbishop at defiance. Scholars were in the habit of attending chapel without their surplices. Some of the chapels had never been consecrated and Laud's remonstrances had been met by the sharp answer that 'they were consecrated by faith and good conscience.' He now hoped to be able to settle all such matters in his own way, in spite of Holland.[1]

June 21. Laud's right to visit the Universities acknowledged.

Again and again he had shown his affection to Oxford by presents of valuable books. A choice collection of Arabic manuscripts in the Bodleian still bears his name. He now sent down a body of statutes for the regulation of the University, which were cheerfully accepted by Convocation. They were introduced by Secretary Coke in a speech which may fairly be regarded as a defiance alike of the Puritan malcontents and of the sympathisers with Rome.

June 22. The Oxford statutes.

"That which commands in chief," he said, "is his Majesty's sovereign power. . . . Him we all acknowledge to be our supreme governor, both of Church and Commonwealth, over all causes and persons, and to his supremacy and allegiance we are all obliged by oath. This, then, we must built upon as an axiom and fundamental rule of government, that all our laws and statutes are the King's laws, and that none can be enacted, changed, or abrogated without him; so all courts of law or equity are properly the King's courts: all justice therein administered, be it civil or martial, is the King's justice; and no pardon or grace proceeds from any but from the King. And, as of justice, so is he the source

Coke's speech.

[1] *Rushworth*. iii 324.

of honour; all dignities, all degrees, all titles, arms, and orders, come originally from the King as branches from the root; and not only particular men and families, but all corporations, societies, nay counties, provinces, and depending kingdoms, have all their jurisdictions and governments established by him for public good to be changed or dissolved. So his power reacheth to foreign plantations, where he may erect principalities, and make laws for their good government which no man may disobey.[1] And as in the temporal, so in the state ecclesiastical, his regal power by ancient right extendeth to the erection of bishoprics, deaneries, and cathedral churches, and to settle orders for government in all churches, by the advice of his own clergy, without any concurrence of foreign usurping power."

Coke's speech was an assertion of absolute power flung in the face of Popes and Parliaments alike. He proceeded to justify the authority which he claimed for Charles by the effects which it had produced. The clergy, he said, had been shielded from 'rich encroaching ministers and patrons,' churches had been built and restored, order and virtue had come back to the University. Whilst the Continent was a prey to war and starvation, England was in better case. "We sit here," said the Secretary, "thankful in true devotion for this wonderful favour towards us; we enjoy peace and plenty; we are like to those who resting in a calm haven behold the shipwreck of others, wherein we have no part, save only in compassion to help them with our prayers."[2]

Coke on the results of absolute power.

So spoke Sir John Coke in his self-satisfied optimism. So believed Charles and Laud. It may be that it was with some thought of proving to the world that he was not led captive by Panzani, that Charles determined to show himself at Oxford in the midst of that University in which the standard of Anglican orthodoxy was most uncompromisingly raised.

Charles proposes to visit Oxford.

The chief part of the favour shown to Oxford would fall

[1] Probably a hit at the Massachusetts settlers, of whom more hereafter.
[2] *Laud's Works*, v. 126.

upon Laud. Before he set out to take his place at the head of the University, Juxon made a feeble attempt to reconcile him with Windebank. He urged that it was hard to quarrel with an old friend merely because of a difference of opinion about a soap company. Windebank might surely be allowed the privilege of changing his opinions. "True," replied Laud, "but why did he not acquaint me with this alteration of judgment?"[1] It was not, in short, the thing that he had done, but the manner in which he had done it; the clinging, too, Laud might have said, if he had spoken all, to men whom he himself judged to be utterly vile and selfish. There could be no friendship between the man who was scheming for a reunion with Rome, and the man to whom the English Church was a model for all churches, perfect and complete in itself.

Aug. 13. Attempt to reconcile Laud and Windebank.

"That which is the worst of all, they say," Cottington had written of Laud when the quarrel was at its height, "he can never be reconciled where once he takes displeasure."[2] The same absorption in the public interest, and the same want of consideration for the feelings of others which made him regard those as private enemies who were injuring the cause which he himself upheld, made him inconsiderate of the prejudices of others, and regardless of the courtesies of life. One day young Hyde ventured to expostulate with him. 'The people,' he said, 'were universally discontented and' many 'spoke extreme ill of his Grace, as the cause of all that was amiss.' Laud answered that he was sorry for it, but it was his duty to serve the King and the Church. He could not abandon them to please the people. Hyde explained that his enemies were not confined to those who were the enemies of the King and Church. His roughness of manner was universally disliked. Two Wiltshire gentlemen, for instance, who had lately appeared before the Council on business, had been treated with respect by all the councillors but himself. Coming to him at Lambeth to discover the reason of so strange a

Aug. 29. Cottington's opinion of Laud.

Hyde's conversation with him.

[1] Juxon to Windebank, Aug. 13, *S. P. Dom.* cccxxx. 33.

[2] Cottington to Wentworth, Aug. 4, 1635, *Strafford Letters*, i. 449.

reception, he would not even listen to their inquiries. Saying that 'he had no leisure for compliments,' he had turned hastily away. To Hyde Laud replied that he was sorry if he had appeared to be rude. But it could not be helped. "It is not possible for me," he concluded, "in the many occupations I have, to spend any time in unnecessary compliments. If my integrity and uprightness, which never shall be liable to reproach, cannot be strong enough to preserve me, I must submit to God's pleasure."[1]

Aug. 29. Laud at Oxford.

At Oxford, Laud had thrown off the cares of business, and had forgotten his enmities for a season. On the morning of the day on which the King was to arrive, the gowns-men flocked to St. John's to do homage to their Chancellor. 'Courteous he was to all, but walked most and entertained longest my Lord Cottington.' At one o'clock the bell rang, and doctors in their scarlet gowns rode forth with Laud at their head to await the King two miles from the city. The citizens, too, as in duty bound, were mustered in sombre black, bringing into the scene that element of unofficial life which as yet seemed but brute material in the hands of Laud. When the King had been welcomed and had conducted the Queen to her lodgings at Christchurch, he attended the service in the cathedral. In the evening was acted in the spacious and stately Christchurch Hall a play, which Lord Carnarvon declared to be 'the worst that ever he saw but one that he saw at Cambridge.' He was not far wrong. William Strode, the Public Orator, from whose pen it proceeded, had introduced into it the usual hits at the fraudulent feoffees, at Prynne, shorn of his ears, and at the hypocritical Puritan whose religion was a cloak for the grossest profligacy. Even at Court these topics were not quite so attractive as they would have been three years before.[2]

The King's visit.

The next morning the Elector Palatine, accompanied by his younger brother, Prince Rupert, was introduced to Convoca-

[1] *Clarendon's Life*, i. 72.

[2] *The Floating Island* was printed in 1655, when anything written against the Puritans would find a ready sale amongst Royalists.

tion. Charles Lewis had been created a Master of Arts at Cambridge. Oxford, by the mouth of Laud, declared that it was beneath the dignity of one who conferred degrees at his own University of Heidelberg to receive a degree himself. If he would be pleased to nominate some persons as doctors, the University was ready to ratify his choice. He at once named thirteen. A mastership of arts was conferred upon Prince Rupert. Appropriate presents were made to both the King's nephews. To the Elector was assigned a copy of Hooker's *Ecclesiastical Polity*, intended perhaps as a warning against the seductions of Calvinism. The hot-headed and adventurous Rupert received Cæsar's *Commentaries*. If he had studied more deeply the lessons taught by the wariest and most self-controlled of commanders, the Civil War might have ended otherwise than it did.

Aug. 30. The Palatinate princes at Oxford.

As soon as the ceremony was over, Charles was taken to see the wonders of the University. The Bodleian Library claimed his special attention. He lingered there for more than an hour, and was loth to leave the place. Laud pointed to the Royal bust standing above the shelves, so that the library was, as it were, placed under his Majesty's protection. Then he took him to St. John's, where his own new buildings were just completed. The grey marble of which the pillars were composed brought to mind another servant, the new Lord Treasurer. To the end of his life Juxon was fond of hunting, and the pillars had been fetched from a quarry which had been discovered by the late President of the College whilst following the hounds near Woodstock.

Then there was St. John's library to be visited, and a grand banquet given by the Archbishop to be partaken of. Presents of meat and game had been sent from all quarters. A good judge spoke of the entertainment as a mighty feast, in days when noblemen were vying with one another in the costliness and profusion of their hospitalities. Nor were the great alone invited to partake. 'His Grace had provided at his own charge sufficient to feed, nay feast all, from the highest rank of men even to the guard and footmen of both

The banquet.

Courts.' In the afternoon there was another play; and a third, *The Royal Slave*, by Cartwright, followed in the evening. The Queen was so pleased with it that she had it repeated some months later at Hampton Court, borrowing the dresses used at Oxford for the occasion. The next morning the Court retired to Woodstock.

Amongst the noblemen who accompanied Charles on this occasion were some who a few short years later were to take opposite sides in the civil strife. Essex bore the sword before the King, seriously and solemnly, as may be imagined. Pembroke with his empty head was there too, nodding approval of the play for which as Lord Chamberlain he conceived himself to be in some sort officially responsible. Besides the lords and gentlemen in attendance, the Court was accompanied by one figure who must have seemed to many as a dark blot on the joyous scene. Panzani, just about to leave England, and to give place to Con, had come to enjoy Laud's hospitalities, and to express his astonishment at the poor figure cut by the Puritan in Strode's play.

Some of the visitors found in Oxford objects of greater attraction than the plays. "The churches or chapels of all the Colleges," wrote one of them, "are much beautified; extraordinary cost bestowed on them, scarce any cathedral church, not Windsor or Canterbury, nay, not St. Paul's choir, exceeds them. Most of them new glazed; richer glass for figures and paintings I have not seen, which they had most from beyond the seas; excellently paved their choirs with black and white stone. Where the east end admits not glass, excellent pictures, large and great, church work of the best kind they could get from the other side, of the birth, passion, resurrection, and ascension of our blessed Saviour; all their communion-tables fairly covered with rich carpets, hung some of them with good hangings." [1]

The decorations of the chapels.

For Laud and his followers there was free expression of

[1] Garrard to Conway, Sept. 4, *S. P. Dom.* cccxxxii. 14. Wood's *Hist. Antiq. of Oxford*, ii. 408. Panzani's letter, Sept. $\frac{6}{16}$, *R. O. Transcripts.*

devotional religion. For the Puritan there was sharp coercion and ridicule. As yet the Puritan met the attack in gloomy silence. The enthusiasm shown at Oxford was confined to the officials of the University. Red-gowned doctors, with those immediately under their influence, and courtly youths paid their compliments in sonorous Latin. But no loud salutation rang in the ears of Charles as he passed through the streets. Not a cry of "God save the King!" was raised.[1] The scholars and the citizens were alike silent.

No enthusiasm in the city.

[1] *Wood*, ii. 408.

CHAPTER LXXX.

THE EARL OF ARUNDEL'S MISSION TO VIENNA.

THE high language which Charles assumed at home was backed by no demonstration of physical force. The equally high language which he assumed to foreign nations was backed by the most magnificent fleet, in point of size and numbers, which had ever left our shores. Its setting forth had been preceded by the publication of uncompromising claims to pre-eminence put forward by the most learned of English lawyers, himself one of the prime movers of the opposition in the last Parliament. That argument, now appearing in print under the title of *Mare clausum*, had been drawn up by Selden in the preceding reign at the time when James was putting forward a claim to a tribute from the Dutch fishing-boats. James, wiser than his son, had refrained from pushing his demands in the face of the irritation which they caused; and the book had been left for some years in the author's hands. It was now dragged to light by Charles. Sent to the press in the autumn of 1635,[1] it was issued to the world as a public manifesto in the following spring. One copy was laid up by the King's orders in the Court of Exchequer, another in the Court of Admiralty, whilst a third was to be preserved for the perpetual use of the Privy Council, 'as a faithful and strong evidence to the dominion of the British seas.'[2]

March. Selden's *Mare Clausum.*

The book thus pompously announced would meet with

[1] Joachimi to the States-General, Aug. $\frac{5}{15}$, 1635, *Add. MSS.* 17,677 O, fol. 366.

[2] Order in Council, March 26, *Rushworth*, ii. 320.

nothing but scorn and derision at the present day. Its very premisses would be contemptuously set aside. Selden did not trouble himself to inquire whether the authority which he claimed was in accordance with the well-understood interests of England itself, to say nothing of the interests of other nations. It was enough for him to flatter the vanity of his countrymen by a long and elaborate compilation of precedents exhibiting the rights claimed over the sea by early English sovereigns. He did not stand alone in this method of treatment. He lived in an age when power which was almost absolute, as well as liberty which was almost republican, was accustomed to justify itself by appealing to the records of the past. The sense of the continuity thus evolved was an important safeguard against rash and inconsiderate experiments in politics. Yet it was possible to break even that safeguard down, to clothe revolutionary aggression under the form of reverence for ancestral wisdom, and to pursue a violent and provocative policy under the appearance of adhering to tradition.

Its argument.

Such was the course upon which Charles had now entered at home and abroad. No doubt there was much that was fascinating in the splendid position which he claimed to hold amidst warring nations. As he kept the peace on land, so would he keep the peace at sea. All through the German Ocean, all through the English Channel, not a shot should be fired in anger. Merchants should ply hither and thither freely, unvexed by pirates, by blockading squadrons, or by inquisitorial searchers for contraband goods. All those belligerent rights which Charles had himself exercised so freely and so offensively in the beginning of his reign were to be interdicted to the navies of Spain and France and of the Dutch Republic. He never thought of asking whether other powers would willingly admit an authority so unlimited, any more than he thought of asking whether his subjects would willingly admit the authority which he claimed at home. It was for him to lay down the law, and for others to follow. He alone was disinterested, just, and wise: all others were selfish, pugnacious, and grasping.

Charles's object.

The fleet which was to maintain these exorbitant pretensions had been entrusted to a new Admiral. This time it was sent out under the command of the young Earl of Northumberland, the son of that Earl who had been a prisoner in the Tower for so many years. A courteous and high-spirited young nobleman, who took care to keep himself aloof from the factions of the Court, he was on the best terms with everybody. He was himself in friendly intercourse with Wentworth. His sister, Lady Carlisle, in spite of waning years, was still the reigning beauty at Whitehall, and his brother, Henry Percy, had gained a strong influence over the Queen by his light and amusing conversation. This year there was little probability that the fleet would be used in combination with Spain. Lindsey and his subordinates had found occupation in convoying Spanish vessels to Dunkirk, and had been rewarded by Necolalde for their trouble.[1] Lindsey's Vice-Admiral, Sir William Monson, had been a Catholic. Northumberland was now ordered not to admit any officer who refused to take the oath of supremacy as well as the oath of allegiance,[2] and Monson had therefore no place in the new fleet.

April 7. The Earl of Northumberland Admiral of the Fleet.

The instructions given to Northumberland were almost identical with those of the previous year. On May 20 he sailed westward from the Downs. It was known that a large French fleet had been gathering at Rochelle, that it had a considerable number of troops on board, and that it was provided with every appliance for landing on a hostile coast.[3] As the belief prevailed in England that the expedition was bound for Dunkirk, Northumberland was directed to watch its motions. Northumberland, however, like Lindsey the year before, was unable to meet with an enemy. At Calais, Boulogne, and Dieppe he found nothing stirring. He came across a few Dunkirk privateers on the look-out for prizes, but his heavy vessels were no match for them in sailing, and it proved

May 20. Northumberland in the Channel.

[1] Secret payments to Necolalde, *Simancas MSS.* 2564.

[2] Garrard to Wentworth, March 15, *Strafford Letters*, i. 523.

[3] French preparations at sea, March 30. Scudamore to Coke, May 6, *S. P. France.*

impossible to bring them to account for their defiance of Charles's sovereignty of the seas. An unlucky Dutch merchant vessel, which had made a capture in the Helford river, was seized and sent to Portsmouth with its prize. Off Portland, Northumberland gave chase to eight Dutch men-of-war. Whether Charles was sovereign of the seas or not, he could not build ships that would sail, and the Dutchmen were soon out of sight. When the fleet reached Ushant in the beginning of June, news was brought to the Admiral that the French had left Rochelle. Then came a false rumour that they had passed up the Channel. Northumberland crowded all sail in chase, and arrived in the Downs on the 24th to find that the French fleet had steered for the Mediterranean.[1]

June.

If French men-of-war were not to be found in the Channel, something might possibly be done with the Dutch herring-boats in the North Sea. The fishermen were accustomed to meet the shoals of herrings somewhere between Shetland and Buchan Ness about the second week in July, and to accompany them on their way southward as far as the coast of Norfolk.[2] Northumberland now received orders to seek out the Dutch boats, and to compel them to accept a fishing licence from the King of England. A small payment was to be made, in return for which the licensed vessel was to receive a guarantee against the attacks of the Dunkirk privateers. Some two hundred of the boats, rather than lose the benefit of the season, took the licences and paid the money.[3] Others refused to compromise the honour of their country, and it is not improbable that their sense of the dignity of the Dutch Republic was reinforced by a doubt whether the English fleet was able to secure them against the attacks of the swift-sailing Dunkirkers. The crews of those vessels which returned to Holland filled the air with their outcries. The Dutch ambassador was instructed

July.

The Dutch herring fleet.

August.

[1] Northumberland to the Lords of the Admiralty, May 23, 30, June 8, 22, *S. P. Dom.* cccxxi. 87, cccxxii. 40, cccxxv. 78, cccxxxvii. 42.

[2] Northumberland to the Lords of the Admiralty, June 28, *ibid.* cccxxvii. 93.

[3] Northumberland to Windebank, Aug. 16, *ibid.* cccxxxv. 41.

to remonstrate sharply. Charles replied that if he chose to insist on his rights he might chase their vessels from the sea. It was his exceeding kindness to offer them protection. Sooner than surrender his dominion over the sea, he would give up England itself.[1]

Small results.

It would hardly be fair to say that the second ship-money fleet had effected absolutely nothing. It is not improbable that but for its existence the French Admiral would have directed his course to the Channel, and not to the Mediterranean. But at most it had done nothing positive—nothing that was likely to convince those who were not convinced already that there had been any adequate reason for the unwonted pressure which had been put upon the country in order to send it forth.

In his warlike preparations Charles had aimed at petty objects by means disproportionately great. In his diplomacy he aimed at the greatest objects by means disproportionately small. His fleet was too powerful to be employed to enforce the lowering of a few flags or the payment of a few shillings by the Dutch fishermen. It was not powerful enough to enable him to regain the Palatinate.

When Arundel's instructions had been framed in April, he was ordered to be content with nothing short of a direct engagement from the Emperor to restore the territory, and to enter into arrangements for the subsequent restoration of the title. Charles's offers in return were couched in terms far less precise than his demands. "In general," he wrote, "you must take heed not to engage us by any confederation into an actual war, or to any breach of peace or violation of our treaties with our neighbours and allies; yet, upon a full restitution of our nephew's dignities and estates, we will be contented to join with the Emperor and his House in a strict league for the common peace, and to that end will interpose our mediation and credit with all the Princes and States of our profession in religion within the Empire, to

April 1. Arundel's instructions.

[1] Boswell to Windebank, Aug. 9, Beveren's memorial, Aug. 20. Joachimi to the King, Aug. 25. Answer of the King's Commissioners, Aug. 30, *S. P. Holland.*

persuade them to submit to the Emperor, and accept peace, to be made upon such just and equal conditions as at the next Assembly shall be agreed on for the honour of the Emperor and good of the Empire. We will also induce our uncle the King of Denmark to join with us in this work, and will treat with the Swedes to accept reasonable contentment; and will labour effectually with our neighbours the States-General of the United Provinces to make peace or truce with the King of Spain and his brother the Infant Cardinal; and with France we will do the like; and with the Italian Princes our friends, as there shall be cause; and if any of all these shall refuse just and reasonable conditions and disturb the peace, we will assist the Emperor and his House as far as without breach of treaties we may be able, and to this end will maintain a powerful fleet at sea, and will suffer our people to serve him where we see cause; and all this with the consequence may very well deserve not a partial and ambiguous, but such a total and absolute restitution as we desire, and without which we shall be forced to join with some other party for the advancement of this justice and public peace, which we are unwilling to prosecute to the disadvantage of that House which we and our progenitors have so much honoured and esteemed."[1]

No wonder Arundel had little mind to leave his stately mansion, rich with antique statuary and gems of modern art, upon such an errand as this.[2] But Charles would hear of no excuse, and the magnificent nobleman who 'resorted sometimes to the Court, because there only was a greater man than himself, and went thither the seldomer because there was a greater man than himself,' was compelled to go on a fool's errand across half a continent.

Arundel sent to Vienna.

On his arrival he found that a new difficulty had arisen in the way of his negotiation. The Elector of Bavaria had lately married his own niece, the daughter of the Emperor, and it was now known that there was a prospect of a

June. His arrival.

[1] Arundel's instructions, April 1, *S. P. Germany.*

[2] Panzani's despatch, $\frac{\text{March } 30}{\text{April } 9}$, *R. O. Transcripts.*

child being born to him. If it should prove a boy, he would be more loth than ever to sacrifice the acquisitions which he had made, and would be certain to oppose every suggestion that he should lessen the inheritance which he now hoped to bequeath to his descendants. Even without this, Arundel's terms were such as to cause irritation at Vienna. The alliance which he had to offer was reduced by his instructions to the merest shadow, whilst the terms which he was ordered to exact were to be the strictest possible. Both Palatinates, together with the Electoral dignity, were to be absolutely restored. The utmost concession which Arundel was empowered to make was the allowance of time for the fulfilment of part of these conditions. To make such a proposal was to invite a rebuff. Ferdinand replied that he was ready to fulfil the engagement which he had given in February. He would give up a considerable portion of the Lower Palatinate, and would take off the ban. Arundel proudly answered that his master would not be satisfied with less than all. Maximilian said that his language sounded like a declaration of war, and scornfully asked what possible advantage was to be gained from an English alliance. An English fleet could not influence the fortunes of a campaign in Alsace. As for English soldiers, he had seen them under Vere and Hamilton, and he had no cause to fear them much. Arundel was soon made aware that he had nothing further to expect, and he hinted plainly in his despatches that he wished for nothing better than a speedy recall. [1]

To recall his ambassador would have been far too simple a proceeding for Charles. As he had hoped to make the Emperor more ready to fulfil his wishes by keeping up the semblance of a negotiation with France, so he now hoped to make the King of France more ready to fulfil his wishes by keeping up the semblance of a negotiation with the Emperor. "It is not thought counsellable," wrote

July 20. Arundel ordered to remain.

[1] Arundel to the Emperor, June 8. Arundel to Coke, June 13, 20, 22, *S. P. Germany*. The Elector of Bavaria to the Emperor, June $\frac{20}{30}$, Khevenhüller, *Ann. Ferd.* xii. 2107.

Coke to Arundel in the King's name, "to make any open breach which may be a disadvantage to any other treaty that may be thought of for putting this business in any other way."[1]

A despatch was therefore sent off to the Earl of Leicester, who was conducting Charles's diplomacy at Paris as extraordinary ambassador. Louis had lately made fresh overtures to Charles, pressing, as Ferdinand had pressed in February, for a league offensive and defensive in return for assistance in the recovery of the Palatinate. Leicester was to try and get the aid of Louis on better terms. He was to say that his master would allow the King of France to levy volunteers in England, would abstain from carrying men and money to the Spanish Netherlands, and would send his fleet to the defence of the French coast. Even this very moderate amount of assistance was not to be promised at once. Leicester was to take care to engage the King of France before he engaged his master. Above all, he must clearly make it understood that Charles had no intention of embarking on an open war in alliance with France.[2]

Leicester ordered to negotiate in France.

If ever there was a time when the French Government was inclined to curse the hollowness of Charles's professions of friendship it was now. The Cardinal Infant had resolved to return the blow which had been struck at the Netherlands the year before. On June 23 the Spanish army crossed the frontier into Picardy. One fortified post after another fell into his hands. On July 22 he forced the passage of the Somme, and on August 5 he entered Corbie as a conqueror. The French troops retreated behind the Oise, and the road to the heart of France seemed to lie open to the invaders.

June 23. France invaded.

July. August.

It was well known in France that this attack had been assisted by English aid. The Count of Oñate, the son of the able diplomatist who had long represented Philip IV. at Vienna, had lately arrived as the ambassador of Spain in England. The English vessel in which he had taken his passage had on board a large sum of

July. Spanish money conveyed in English ships.

[1] Coke to Arundel, July 20, *S. P. Germany.*

[2] Leicester to Coke, July 9; Coke to Leicester, July 20, *S. P. France.*

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money destined for the payment of the Cardinal Infant's army, and this money was conveyed across the Straits by an order from Windebank, though the King intended it to be stopped till two-thirds of it had been converted into bills of exchange. The difference, slight in our eyes, was an important difference then, and Charles sent Windebank for a short time into confinement. The rumour was spread that both Windebank and Cottington had been bribed by the Spanish ambassador, and Charles for a moment credited the story. His anger, however, soon cooled down, and neither the Secretary nor the Chancellor of the Exchequer felt any serious consequences of the mistake which they had committed.[1]

Leicester's negotiation was not rendered more easy by the evident leaning of Charles to Spain. He told his master that in his opinion the terms he was instructed to offer were insufficient. Father Joseph, Richelieu's confidant, allowed the feelings of the French Government to be plainly seen. "We will perform all we promise,' he said, "and more too, but we are not willing to be drawn on further till your master resolve ; for perhaps all that you do with us you make known to the Emperor, that he may see what we have offered, and so judge us to be in great need of your assistance, and that you may obtain better conditions of the Emperor ; and then you will quit us." Leicester knew how well-founded these suspicions were. "Therefore," was his comment on Father Joseph's words, in writing home, "if I can at all guess at them, they must be honestly and plainly dealt with. They hold it unequal that they should be bound to continue in a war by any that will not be engaged in it."

August. Leicester's difficulties.

Charles could not deal honestly and plainly. Leicester found it hard work to clothe his master's hesitating utterances in diplomatic language. The French ministers had nothing to conceal. "We will not deceive you," they said, "and therefore do not deceive yourselves.

The negotiation continued.

[1] Windebank to Juxon and Cottington, July 12. Windebank to the King, Sept. 2, *Clar. S. P.* i. 588, 634. Correr to the Doge, $\frac{\text{Aug. 26}}{\text{Sept. 5}}$, *Venice MSS.* Roe to Elizabeth, July 20, *S. P. Dom.* ccexxix. 21.

If the King your master will have such assistance as we have offered for the recovery of his nephew's estates and dignities, we expect that he join thus in league as we have proposed; for without that we declare unto you that we can do nothing. If he will not do so, well; we are content and continue friends as we are, and leave unto the King the recovery aforesaid by his own power, or how else he shall think good, but we believe that without this he shall hardly be able to effect it."[1]

Richelieu knew his man, and contented himself with carrying on a negotiation which might serve to keep England aloof from a Spanish alliance. Articles of a treaty were accordingly drawn up and discussed. Charles, however, insisted that all words binding himself should be as vague as possible, and that all words binding the King of France should be as strict as possible. For all practical objects the negotiation at Paris had failed as hopelessly as the negotiation at Vienna.

September. Articles discussed.

By the end of September Arundel's protracted stay at the Emperor's Court had served its purpose, so far as it was possible for it to be of any avail at all, and on the 27th orders for his return were despatched.[2] Leicester remained at Paris, weaving his Penelope's web of diplomacy without Penelope's pleasure in the delay. He was one of those who would gladly have seen the relations between England and France more intimate than he was allowed to make them.

As the weeks passed on the position of the French Government improved. All classes had cheerfully responded to Richelieu's demand upon their patriotism. Catholics and Protestants had stood shoulder to shoulder against the invaders. The Spanish onset was arrested. Louis took the field in person to recover the ground which had been lost by his commanders. On his march he was cheered by good news from Germany. The Swedish General Baner had gained a victory at Wittstock, and was pressing forwards into the heart of Saxony. The allies of Prague had failed to dictate their

Failure of the invasion of France.

Sept. 14. Battle of Wittstock.

[1] Leicester to Coke. Aug. 8, 16, *S. P. France.*

[2] Coke to Arundel. Sept. 7, *S. P. Germany.*

will to the Empire. Before the end of the year Corbie had been regained, and the flag of Spain no longer waved over any corner of French soil. The tide which had set steadily in favour of Spain and the Empire since the day of Nördlingen was stayed at length.

In the face of these events Charles was still wavering and uncertain. He was still taking thought how he might recover the Palatinate without striking a serious blow. He still believed it to be impossible that both France and Spain should refuse his terms. To the urgent entreaties of his courtiers who were crying out for war, he replied that he must await the course of Leicester's negotiations. He informed his sister that he would allow her son a pension of 12,000*l.* a year, but that she must not expect more for the present. Laud was instructed to convey to her the disappointing intelligence. "To maintain a land army in Germany," he wrote, "and pursue the cause that way, his Majesty, upon most serious consideration of his estate finds neither fit nor feasible for him at the present." Laud took little interest in foreign politics. His own feelings were expressed to Wentworth. "In my judgment," he wrote, "the Earl of Leicester writes more like a councillor of France than an ambassador of England. . . . Well, so a war and the mischief which must follow be kept off, I shall care the less." [1]

October. Charles postpones his decision.

It would have been well for Charles if he could have kept himself entirely clear of these foreign complications. Excepting so far as Dunkirk was concerned, no national English interest was involved in the hostilities which were raging on the Continent, and there was no longer such an issue before the world in the German war as to call upon all nations to take a side.

The point of view from which the modern student is likely to regard the great struggle on the Continent is indeed very different from that which engaged the attention of the statesmen of Charles's reign. It mattered little to the general progress of Europe whether France should

Strength of toleration.

[1] Laud to Elizabeth, Oct. 13; Laud to Wentworth, Nov. 15, Dec. 5, *Works*, vii. 289, 293, 300.

extend her frontiers in the direction of Flanders or of Alsace, or whether the Princes of Germany who had been excluded from pardon by the Peace of Prague should be allowed to retain their territories. It mattered, however, a good deal that the principle of toleration should be strengthened, and it is undeniable that the course of events on the Continent had been such as to favour its increased acceptance. Even the Emperor had acknowledged its power, as it was only by the revocation of the Edict of Restitution that resistance to his enemies had become possible, whilst the States-General owed much of the renewal of their strength to the favour accorded to the Arminians by Frederick Henry. In France the standard of toleration was held the highest. Richelieu had succeeded in beating back the invaders of his country because his ecclesiastical policy was precisely the opposite of that which seemed right in the eyes of Charles and Laud. The rulers of England strove to enforce uniformity, in the hope of reaching the strength of unity after a period, longer or shorter, of severe repression. Richelieu sought strength by frankly acknowledging the differences which existed, and by appealing to the common patriotism of those who in religious belief stood apart at a far wider distance than that which separated Laud from the most fanatical Puritan in England.

Example of French toleration.

Although the day would come when Richelieu's work would be shattered by a bigoted king, it had been done not for the French nation only, but for all nations and for all time. The practical demonstration that toleration did not bring forth national weakness would not be thrown away.

It is not to be denied that the adoption of a system of toleration would have been in some respects attended with greater difficulties in England than it was in France. What was granted in France was a local toleration for those who lived in certain places. Nothing of the kind would meet the requirements of England. Toleration there must be not local, but universal. The men who reverenced the communion-table as an altar, and the men who looked upon it as a mere table to which no reverence was due, lived side by side in the same

street. Here and there a few enlightened spirits, or a few sincere believers whose eyes had been opened by the persecution to which they had been exposed, might welcome the idea of mutual toleration, and the time would one day come when the light shining fitfully in the midst of darkness would kindle a great fire to burn up the houses of oppression. It is not, however, by new and great ideas alone that the world is saved from misery. They cannot do their work till the conditions of growth are satisfied and the seed has found its appropriate soil.

Conditions of toleration.

The main condition of toleration was the absence of fear lest toleration should be used as a means of attack upon those who granted it. The discovery that the dominant religion in France was in no danger from the assaults of the Huguenots had made toleration possible there. Laud had no such comforting assurance in England. As the leader of a governing minority, he was beset with fear that his work would crumble away the moment the strong hand of Government was withdrawn from its support. All the more tolerant maxims with which he had started[1] were stripped away from him by the falseness of his position. In proportion as his weakness grew more evident his intolerance increased. The true word and thought could not proceed from one who was occupying the ground on which he was standing. Not till a Government arose whose ecclesiastical institutions rested on the conviction of the nation, and which could therefore afford to deal generously with the few who held divergent opinions, would the doctrine of toleration take its place amongst the accepted principles of English politics.

Chances of toleration in New England.

It is only necessary to glance at the events which were taking place in New England to acquire a conviction that intolerance was the product of fear far more than of intellectual conviction or theological hatred. It was fear which made Laud sharp-sighted to spy out future danger to England from the establishment of Puritanism in America, and it was fear which made those very Puritans who had fled from persecution at home ready to root out the elements of disorder in their new abodes.

[1] See Vol. VII. p. 124.

Laud clearly perceived that the danger of spiritual contagion could not be confined within any geographical limits. The few hundreds of Puritans who had established themselves in Massachusetts might easily obtain an influence over those like-minded with themselves in England, whilst the hope of finding a refuge beyond the Atlantic might serve as an encouragement to the nonconformists at home. As his manner was, Laud went to the root of the difficulty. In April 1634, a commission, of which he was himself the head, was appointed to take all English colonies under its control; 'to make laws, orders, and constitutions;' to establish a clergy, supported 'by tithes, oblations, and other profits;' to remove the governors and other officers, to inflict punishment, to set up ecclesiastical courts, and to call all charters in question before a court of law, if they were found to contain privileges injurious to the Crown or to the King's prerogative.[1]

1633 April 28. Colonial commission.

In the following December the Privy Council placed further restrictions on emigration. No man of sufficient means to be rated on the subsidy books was to go to New England without a special licence from themselves, and no poorer person was to go without a certificate of conformity from the minister of his parish.[2]

December. Order for limiting emigration.

In the following April the Council of New England, which had for many years exercised a nominal authority over the settlements, surrendered its powers to the Crown, on the understanding that the lords and gentlemen of whom it was composed should share amongst themselves the whole of the territory lying between Virginia and the French colony on the St. Lawrence. These lands they were to hold directly from the King. Before the end of the year all legal difficulties were cleared from their way. At the application of the Attorney-General, the Court of King's Bench declared the Massachusetts charter to be null and void.[3]

1635. April. The Council of New England surrenders its powers to the Crown.

[1] The Commission in *Hazard*, i. 344, is a reissue after Juxon became Treasurer.

[2] The Commissioners to the Warden of the Cinque Ports, *Hazard*, i. 347.

[3] Palfrey, *History of New England*, i. 391.

Sir Ferdinando Gorges was chosen as the first Governor of the colony under this new arrangement. Yet even in the Privy Council voices had been raised against the impolicy of forcing the Church system of England upon the Massachusetts settlers.[1] In Massachusetts itself the whole colony prepared for resistance. In 1634, with the first news of the danger, orders were given to erect fortifications, and captains were appointed to train for military service those who were unskilled in the use of arms. The next year still more stringent measures were adopted. Every resident was ordered to take an oath of fidelity to the local Government, and a military commission was intrusted with unlimited powers 'to do whatsoever might be behoveful for the good of the plantation in case of any war that might befall,' and even to imprison and confine any that they should judge to be enemies to the commonwealth; 'and such as would not come under command or restraint, as they should be required, it should be lawful for the Commissioners to put such persons to death.'[2]

1634. Resistance in America to the threatened changes.

1635.

The assumption of independent authority by the colonists, and their use of it to secure the exclusive maintenance of their own creed, had caused indignation at home. The Council of New England, in surrendering its charter, complained that it was unable to control men who had 'framed unto themselves both new laws and new conceipts of matter of religion and forms of ecclesiastical and temporal orders and government, punishing divers that would not approve thereof, some by whipping, and others by burning their houses over their heads, and some by banishing and the like;[3] and all this partly under other pretences, though indeed for no other cause save only to make themselves absolutely masters of the country and unconscionable in their new laws.'

Assumption of independent authority.

Such was the view of the proceedings of the Massachusetts settlers which prevailed in the English Court. So far as it was true, the strictness of the local government is to be excused

[1] Joachimi to the States-General, March $\frac{17}{27}$, *Add. MSS.* 17,677 O, fol. 301.

[2] *Palfrey*, i. 394.

[3] 'For the like' in *Hazard* (i. 390).

on the same ground as Laud's greater severity in England, if either is to be excused at all. Fear, much more than bigotry, was in both cases the parent of intolerance. In the Dutch Netherlands, the victory of Calvinism in 1618 had been so complete, and the political weakness of the Arminians had been so amply demonstrated, that it had recently become possible to allow the proscribed Arminian teachers to return to their homes, and to gather around them congregations which were never again likely to become dangerous. In England it was as yet otherwise. Laud lived in constant apprehension that if he relaxed his efforts for a moment, Puritanism would arise as a flood to sweep away himself and all that was dear to him. As it was in the Old England, so it was in the New. The guardians who presided over the fortunes of the settlement feared the disintegrating power of men who would advocate Laud's principles amongst them more than they feared all the military forces which he could send against them; as the watchman who sees with equanimity the dash of the surf upon the dyke which he is appointed to maintain intact, will yet shudder at the tiny rill of trickling drops which percolates through its sides.

Obstacles to toleration.

Every year the position of the Puritan colonists was growing stronger. Large numbers had joined them in 1634. In 1635, in spite of the restrictions imposed by the Council, three thousand persons added themselves to the community. The Metropolitical Visitation was doing its work for them. Their leaders might defy the English Government, but they were sufficiently prudent to repress every action which might imply personal disloyalty to the King. Endicott, the founder of Puritan Salem, came to the conclusion that the cross in the English flag was a symbol of Popery, and tore it out from one which was flying at Salem. Though the feeling which prompted the deed was too widely spread to allow the magistrates to order the replacement of the flag, they directed that the royal standard bearing the arms of England should be set up where it might be seen by all vessels approaching the coast.[1] Almost at the

Increase of the colony.

The cross torn out of the flag.

[1] *Palfrey*, i. 420.

same time they banished Roger Williams from the colony.

Banishment of Roger Williams.

The young preacher, who combined the most sceptical and combative of intellects with the warmest and most affectionate of hearts, had passed a life of combat ever since he first landed in the settlement in 1631, when he had startled all around him by announcing, amongst other unusual opinions, 'that the magistrate might not punish the breach of the Sabbath or any other offence as it was a breach of the first table,'—a view which may perhaps be considered as the germ of the doctrine of toleration of which he was afterwards to become the consistent advocate. He now gave offence in another way; for he argued that the King had no right to grant to his subjects lands which in reality belonged to the Indians, and that the patent by which they held the territory of Massachusetts was for that reason null and void from the beginning; whilst he had also argued that the magistrates had no right to impose the oath by which they were binding all residents to defend their homes. Williams wandered away into the wilderness to found the settlement of Rhode Island, the first Christian community, which was established on the basis of the open and complete acknowledgment of religious liberty.[1]

Lord Warwick's interest in the colony.

The causes which were driving into exile thousands of men unknown to fame, turned towards the New England settlements the thoughts of a class of men who had hitherto felt little sympathy with the Separatists. The Earl of Warwick had been the President of the Council of New England; but there had been some estrangement between him and the other members, and in 1632 he had either resigned or had been expelled from his post. It is probable that the quarrel arose from a difference of opinion relating to the course which affairs were even then taking in the Massachusetts colony.[2] Warwick was passing from the turbulence of earlier years into the steady and resolved Puritanism of maturer life, and into a feeling of confirmed opposition to the Court, the flames of which had been fanned by the attack made in the

[1] *Palfrey*, i. 406.

[2] As suggested by Mr. Palfrey, i. 399, note.

Forest Court in 1634 upon the landowners of Essex. In 1632 he had made over a grant which he held of lands in Connecticut to several persons, amongst whom were two Puritan peers, Lord Saye and Lord Brooke, the latter the cousin and heir of Fulk Greville. It was not till 1635 that they thought of making use of the lands which had been conveyed to them. In that year they sent out a small number of persons to the new settlement, but the bulk of the inhabitants came from Massachusetts.[1] In one point alone the new settlers differed from the old colony. Church membership was not to form the qualification for citizenship. The extreme tension of feeling which produced and maintained the strict ecclesiasticism of Massachusetts gave way as soon as it ceased to be fanned by opposition.

The settlement of Connecticut.

The Puritan noblemen had even thought of joining the tide of emigration themselves; but they had as little conception as Laud had of the real requirements of colonial life. When, in 1634, Lords Saye and Brooke, with others of their friends, proposed to transfer themselves to New England, they clearly expected that they were to be the first in rank there, as they were at home. They asked for the establishment in their own favour of an hereditary peerage, from the ranks of which alone the Governor should hereafter be chosen. The members of this peerage were to bear the simple style of gentlemen, 'and for the present the Right Honourable the Lord Viscount Saye and Sele, the Lord Brooke, who had already been at great disbursements for the public works in New England, and such other gentlemen of approved sincerity and worth as they, before their personal remove, shall take into their number, should be admitted, for them and their heirs, gentlemen of the country; but for the future, none should be admitted into this rank but by the consent of both Houses.' A body of hereditary legislators with a veto upon the increase of their own numbers was an idea which found as little favour with the ecclesiastical democracy of Massachusetts as it would have found with the ecclesiastical monarchy of Laud. The

1634. English noblemen propose to settle in Massachusetts.

They demand the creation of a peerage.

[1] *Palfrey*, i. 450.

settlers thanked the lords for their offer. The country, they said, 'would thankfully accept it as a singular favour from God and from them, if He should bow their hearts to come into the wilderness and help them.' "When," they added, "God blesseth any branch of any noble or generous family with a spirit or gifts fit for government, it would be a taking of God's name in vain to put such a talent under a bushel, and a sin against the honour of magistracy to neglect such in our public elections. But if God should not delight to furnish some of their posterity with gifts fit for magistracy, we should expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honour, if we should call them forth, when God doth not, to public authority."[1]

1636. It is rejected.

Nothing was said in the last sentence which the Massachusetts settlers had not already shown themselves prepared to carry out. In 1635 young Henry Vane, the son of the Comptroller of the Household, landed at Boston. His desertion of his native country had been but one instance of the repellent effect exercised by the atmosphere of Charles's Court upon young and ardent minds. As a boy of fifteen he had felt that influence of religious self-devotion which so often breathes a spirit of earnestness into the heart upon the threshold of manhood. In his case the change was not evanescent. His opinions were not affected by a residence at Oxford, where he was

1635. Vane in Massachusetts.

1628.

[1] *Palfrey*, i. 389, note. The following extract from a sermon preached in 1642, *God's waiting to be gracious*, by Thomas Case, does not seem quite to suit this attempt :– "Preparations were made by some very considerable personages for a Western voyage, the vessel provided, and the goods ready to be carried aboard, when an unexpected and almost a miraculous providence diverted that design in the very nick of time." Is it possible that Case referred to the alleged emigration of Hampden, Pym, and Cromwell? The story that they were to have gone is, indeed, too late in its origin to have much value, and Mr. Forster (*Life of Pym*, 81) has shown that they could not have been stopped in 1638. It does not, however, follow that the tale is entirely without foundation, and the cause of stoppage may have been the order of December, 1634, mentioned at p. 167. If there is any truth in the story, 1634 is a more likely date than 1638, when the clouds were beginning to lift.

unable to matriculate in consequence of a refusal to take the oaths of allegiance and supremacy.[1] It was perhaps to wean him from these fancies that his father sent him to Vienna in 1631 in the train of the ambassador Anstruther.[2] His Puritanism must have relaxed by this time, or Anstruther must have been very confiding to the son of a minister so high in Charles's favour. All the secrets of the embassy were laid open to him, and in this way he, almost alone of all men not within the circle of the King's interior cabinet, became to some extent acquainted with the secret league designed by Charles and the Spanish Government for an attack upon the Dutch Republic.[3] When he came home he was looked upon as in the fair way to the highest honours. "His French," wrote Sir Toby Matthew to the elder Vane, "is excellently good, his discourse discreet, his fashion comely and fair, and I do venture to foretell that he will grow a very fit man for any such honour as his father's merits shall bespeak or the King's goodness impart to him."[4] But young Vane's secret must have been a heavy burden on his mind, and may well have had its effect in alienating him yet more from the Court. In 1633 his Puritanism took a sharper form. The King himself interfered to save him from that which he regarded as his folly. A conference with Laud ended by leaving both parties in the mind in which they had come, and at last Vane, in order to escape from domestic disquiet, announced his intention of emigrating. In October 1635 he arrived in Massachusetts. Young as he was,—he was but twenty-three,—his opinion was at once sought in matters of moment, and in the following year he was elected Governor of the settlement.[5]

1631. Vane at Vienna.

1633.

1635. Vane emigrates.

1636.

[1] Wood, *Ath. Ox.* iii. 578.

[2] It is generally said erroneously, on Winthrop's authority, that he was attached to his father's embassy.

[3] His letters in French to his father from Vienna in the *State Papers, Germany*, reveal this. Clarendon says he went to Geneva. I suspect he merely knew that he had been abroad somewhere.

[4] Matthew to Vane, March 25, 1632, *S. P. Dom.* ccxix. 64.

[5] Winthrop's *History*, i. 203, 211.

It was a time of unexampled difficulty. Stern and unbending as the theology of the settlers appeared in the eyes of ordinary Englishmen, there was a theology more stern and unbending still. Its advocate was Anne Hutchinson, who had landed in the colony with her husband in 1634. She asserted that sanctification was no test of justification, and that those alone were justified in whom the Holy Ghost dwelt. Within the narrow limits of the Separatist churches, she drew a limit yet more narrow, a limit undefinable by any outward or moral test. There was, she said, a covenant of grace and a covenant of works. By-and-by, provoked by the antagonism raised by her assertions, she proceeded to assume the insight which she denied to others. She pointed out the ministers who favoured her as being under the covenant of grace, and declared that the ministers who opposed her were under a covenant of works. The wrath which these denunciations aroused was great. Men who had been regarded with the highest respect as pre-eminent for Christian graces, and for the fulfilment of Christian duties, men who it may be had sacrificed their homes and their friends in England for the sake of their faith, found themselves pointed at with the finger of scorn as undeserving of the very name of a Christian.

Mrs. Anne Hutchinson.

Mrs. Hutchinson was no mean antagonist. Her voluble tongue, her readiness of argument and illustration, together with her earnestness of purpose, soon procured her numerous followers. She gathered large numbers of women for religious discussion, and sent them forth to convert their husbands and brothers.

The infant commonwealth was threatened with disruption. At last the angry feeling came to a head. One Greensmith was fined for saying that only two, or at most three of the ministers, were under the covenant of grace. Then came a sermon from Mrs. Hutchinson's brother, Mr. Wheelwright, urging those who were on his side to prepare for a spiritual combat, in which they were to be like the valiant men round Solomon's back with their swords in their hands, and to make themselves ready for battle lest those under the covenant of works should prevail

1637. March. Greensmith fined.

Wheelwright's sermon.

against them. He treated the New England ministers, in short, just as Leighton had treated the bishops in England eight years before. For this sermon he was adjudged to be guilty of sedition, though it was not immediately determined what penalty should be imposed upon him.

In the discussions which had taken place Vane had sided with Mrs. Hutchinson. His own mystical temperament attracted him to her doctrines, whilst the absolute character of his intellect led him to throw aside all those considerations for the danger of the commonwealth which weighed deeply with most of the men who, like Winthrop, had long watched over its fortunes. He had conceived the noble belief that religious intolerance was a crime, and he was shocked to hear the imputation of heresy mingled with the imputation of unruliness in the charges brought against Mrs. Hutchinson by her adversaries. On May 17, 1637, when his year of office was at an end, Winthrop was chosen Governor in his place after the first contested election in the New World. The first result of the new administration was a law giving power to the magistrates to refuse to admit into the settlement persons of whom they disapproved, so as to anticipate the scheme which they attributed to Mrs. Hutchinson, of flooding the colony with her partisans from England.[1]

Vane sides with Mrs. Hutchinson.

May 17. Vane rejected for Winthrop.

A paper discussion ensued between Vane and Winthrop. At once the controversy was lifted out of the regions of fierce recrimination and angry polemics to the calmer atmosphere of principle. Winthrop held that the commonwealth had a right to refuse admission to its soil to persons who endangered its peace and even brought into question its future existence. Vane, besides arguing that the rules laid down in Massachusetts must be such as would stand with the King's superior authority, took far higher ground. Under the theological form which was natural to his own mind and to the subject which he was handling, he declared his conviction that no State had a right to suppress

Discussion between Vane and Winthrop.

[1] *Palfrey*, i. 472. Winthrop's *History*, i. 239. Winthrop's *Life of Winthrop*, ii. 175.

liberty of speech and thought. Winthrop had argued, he said, that Wheelwright's opinions would not 'stand with external peace' but would 'cause divisions' and would make the people look at their magistrates, ministers, and brethren as enemies to Christ. What then? urged Vane; had not Christ distinctly said that he came not to send peace but a sword? This is the thought which runs all through Vane's argument.[1] Winthrop's position was substantially the same as Laud's. With the wilderness to fall back upon, he could be content with banishment instead of the pillory, but the principle which he advocated was the same as that which was accepted by the English Star Chamber. Vane cut boldly at its root. This peace, he said in effect, which you aim at, this avoidance of strife, is the sign of death. Life is a battle and a conflict, and you must submit to its conditions if you are to win its prizes.

In thus anticipating the central doctrine of the *Areopagitica*, Vane spoke a truth for all ages. It does not follow that his ideal could be realised immediately. Gold, it is said, may be bought too dear, and there may be sacrifices which are too great to make even for the sake of the pearl of liberty. Those who possess the power to tolerate diversities of opinion may fairly ask that the concession made will not be used as a lever to overthrow by violence the whole fabric of society. In Massachusetts it was impossible to feel any such assurance. The elements of which the colony was composed were exactly those most likely to be goaded into fierce antagonism by theological discussion. There was no population half-sceptical, half-careless, to keep the balance between rival churchmen, or to trim the vessel from time to time so as to restrain the hand of the persecutor. Above all, as Winthrop knew well, dissension in Massachusetts would be Laud's opportunity. Unless the settlement could continue to show a united front to the mother country, its dangers would be immeasurably increased. Winthrop felt that he was practically in the position of the commander of the garrison of a besieged fortress. Many things allowable and praiseworthy in

Vane's theory not to be realised at once.

[1] Winthrop's declaration, with Vane's reply and Winthrop's rejoinder, are in Hutchinson's *Collection*, 63.

time of peace are neither allowable nor praiseworthy in time of war. He felt towards Vane and his theories very much as Cromwell felt towards them when he drove him out of the House of Commons with the cry—"The Lord deliver me from Sir Harry Vane."

Vane's return to England.

The day has come when it is possible to do justice to Winthrop and Vane alike. For the moment there was no place for Vane any longer in Massachusetts. After a brief delay, he took ship to return to England. His visit to the New World had ended in apparent failure; but the seed which he had sown had not been thrown away. It would reappear in due season to bear fruit for the nourishment of Europe and America.

1623. Baltimore's settlement in Newfoundland.

Strangely enough, at the very time when the ideas of toleration were put forth in vain in New England, another part of the American Continent was witnessing their practical adoption. In 1623 Sir George Calvert, afterwards the first Lord Baltimore, had, whilst still Secretary of State, received a grant of Newfoundland. After his change of religion and his consequent resignation of office, finding little scope for his energies in England, he had devoted both time and means to the encouragement of the colony. The poverty of the soil and the climate were against him, and after a long struggle with the forces of nature, he determined to transfer his operations to a more southern land. A visit to Virginia in 1628 ended in the refusal of the settlers to allow him to dwell amongst them unless he would take the oaths of supremacy and allegiance, and he thus became convinced that it would be necessary for him to seek new territory, if he was to find shelter for his co-religionists from the English law.

1628. His visit to Virginia.

The land which he chose was that to which Charles gave the name of Maryland in honour of his Queen. The real founder of the colony indeed did not live to witness the completion of the charter of Maryland; but his son, the second Lord Baltimore, succeeded to his American projects as well as to his peerage.

1632. April 25. Death of Baltimore.

The charter granted by Charles has an interest beyond its bearing on the institutions of America. Copied word for word from the earlier charter of Newfoundland, except where differences were absolutely required, it reveals the ideal of monarchical government which was promulgated by James and adopted by his son, as clearly as the ideal of aristocratic government entertained by the Puritan lords is depicted in the overtures of Saye and Brooke to the settlers of Massachusetts. Lord Baltimore, whose authority in Maryland was to be truly of a kingly nature, was to be the proprietor of the colony, and this proprietorship was to descend to his heirs. The government was to be a constitutional one, as James and Charles understood the constitution of England. New laws could only be made by Lord Baltimore himself, 'with the advice, assent, and approbation of the free men of the same province, or of the greater part of them, or of the delegates and deputies.' It was the right of counsel, not the right of control, which was conceded. The free men and the deputies were not to make laws without the consent of the proprietor. If sudden accidents happened, Lord Baltimore might issue ordinances to have the force of law, provided that they were consonant with reason and the laws of England, and did not violate the right of any one 'in member, life, freehold, goods, or chattels.' The appointment of judges and magistrates was to rest with the proprietor, who was also to exercise the functions of commander-in-chief.

June 20. Charter of Maryland.

Clauses relating to civil government.

The theory of government thus propounded was so difficult to realise in England, and so impossible to realise in a new colony, that, except for the light which this part of the charter throws upon the ideas which prevailed in the English Court, it would be unnecessary to refer to it here. It is otherwise with the brief phrases relating to the religion of the future settlement. Baltimore was entrusted in Maryland, as he had been entrusted in Newfoundland, with 'the patronage and advowsons of all churches which, with the increasing worship and religion of Christ within the said region, hereafter shall happen to be built; together with licence and faculty of erecting and founding churches, chapels,

Clause relating to ecclesiastical government.

and places of worship, in convenient and suitable places, within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of England.'[1]

Explanation of the latter.

The retention of the exact phrases used in the Newfoundland charter requires explanation. When inserted in the grant made in 1623 to a Secretary of State who was still a member of the English Church, they would undoubtedly act as an establishment of that Church in the colony, though it would be an establishment arising rather from the goodwill of the authorities of the settlement than from any words in the charter itself. The proprietor was empowered to found churches, and to have them consecrated according to the laws of the Church of England, if he chose to do so; but there was nothing to compel him to do this unless he pleased, or to prevent him from founding other Catholic or Nonconformist places of worship by the side of the churches consecrated after the directions of the charter.

Probable understanding between Baltimore and the King.

It is impossible to suppose that words so vague in their meaning were re-inserted in the Maryland charter without due deliberation. It was notorious in 1632 that both the first Lord Baltimore and his son were Catholics, and that they intended to establish in Maryland a place of refuge for English Catholics who wished to escape from the penal laws. May it not therefore be taken for granted that the phrases of the charter were intended to cover a secret understanding between Baltimore and the King? Charles could not, with any regard for the necessities of his position, make mention of his purposed toleration of the Papal Church in Maryland. Neither could he, if he meant to favour Baltimore's object, insert words in the charter compelling the sole establishment of the English Church. The clause as it stood would look like a provision for the maintenance of English Church forms without being anything of the kind, and the success with which this object was achieved may be judged

[1] Bozman's *Hist. of Maryland*, ii. 1. The Charters may be compared on the *Patent Rolls*, 21 James I. Part 19; 8 Charles I. Part 3

from the fact that even in our own day an American writer has thought himself justified in so interpreting it.[1]

What was the exact nature of Charles's understanding with Baltimore cannot now be ascertained. But, judging from what followed, it is probable that there was an engagement on the part of the proprietor that if the English Government threw no obstacles in the way of the development of his own Church in Maryland, he would allow no interference with such of the colonists who were and chose to remain Protestants.

The colonists, in fact, who sailed in November 1633, numbering between two and three hundred, were a mingled body of both religions, though the few gentlemen who took part in the enterprise were almost, if not quite all, Catholics. Baltimore did not himself leave England, but he deputed his brother, Leonard Calvert, a Catholic like himself, to act as Governor in his name. The settlers landed in Maryland on March 27 of the following year.

1633. The colonists a mixed body.

1634. March 27. They land in Maryland.

Three years later a struggle began for political rights. The colonists firmly resisted the claim of the proprietor to dictate their laws, and they made good their opposition with little difficulty. From the beginning there had been no thought of hostility between Protestants and Catholics, and whatever germs of discord may have lain hid were stifled in the harmony arising from joint resistance to the same political adversary. In 1639 Lord Baltimore gave way, and permitted an assembly to frame its own laws. Its first act was to acknowledge distinctly the position of the Church of Rome. "Holy Church within this province," it was declared, "shall have all her rights and liberties." At the same

1637–9. Struggle for political rights.

Toleration secured in Maryland.

[1] In the *Contemporary Review* for Sept. 1876, Mr. Neill, in criticising various statements about the colonisation of Maryland, argues that the charter, 'while recognising Christianity in general terms, confined its development within the Church of England.' I believe the interpretation given above is more correct, and I am quite sure that Mr. Neill is wrong in saying that the 'Holy Church,' which, according to the statute of 1639, was to 'have all her rights and liberties,' was 'that of the charter, the Church of England.' Such a phrase was never, to my knowledge, applied to the Church of England, after the Reformation.

time another Act was passed, to secure all free Christian inhabitants in the enjoyment of 'all such rights, liberties, immunities, privileges, and free customs, as any natural-born subject of England hath or ought to have or enjoy in the realm of England, saving in such cases as the same are or may be altered or changed by the laws and ordinances of this province;' and this Act secured what had never been questioned in Maryland, complete liberty of Protestant worship.[1]

It was thus that, while Roger Williams and Vane preached to deaf ears in Massachusetts, the force of circumstances brought the followers of opposing creeds in Maryland, in their intercourse with one another, to give prominence to the points in which they agreed rather than to those in which they differed. In Maryland the Protestants, slack in zeal and dependent for organisation upon their Catholic leaders, in all probability never thought for an instant of erecting a dominant Church, whilst the Catholics, planted in the midst of zealous Protestant settlements on either side, and depending for support on the goodwill of the King, could not venture, even if they had wished it, to oppress their Protestant fellow-colonists.

Comparison between Maryland and England.

The story of Maryland was to some extent an anticipation of the future story of England. In England there was to be a struggle for political rights, which was to lead to the acceptance of the doctrine of religious toleration for those who stood together in resisting oppression. That struggle indeed was to be far harder and far longer than the one in the clearings of the woods by the side of the Chesapeake. Yet this compensation, at least, was given to the horrors of the strife, that the demand for toleration clothed itself in fitting words, and that the voices of Milton and Vane and Cromwell lifted up a standard round which the thought of the world might rally, and which would make the acquisition of religious liberty not a fortuitous occurrence leaving no lesson behind it, but the victory of a truth for all times and all nations.

[1] *Bozman*, ii. 107.

CHAPTER LXXXI.

THE COURT-MARTIAL ON LORD MOUNTNORRIS.

THE doctrine announced in June 1636 by Berkeley from the Bench,[1] and in July by Coke at Oxford,[2] was nothing less than the full-blown theory of absolutism. Sooner or later the question whether the supreme power was lodged in the King alone, or in the King acting in concurrence with his Parliament, was sure to be merged in the larger question whether the King could permanently exercise authority in defiance of the nation. That further question was now distinctly put. Of the claim to Divine right which fills so large a space in the minds of modern historians, which was first put forward by Imperialist and Royalist opponents of the Papacy, and which even in Charles's reign formed the staple of many a village sermon, little was said by the King's leading supporters in Church or State. Such men contented themselves with disengaging from the storehouse of older constitutional principles the theory that the King was vested with the power of finally deciding what was for the interest of the nation. It was not by inventing anything new, but by thrusting out of sight those considerations by which this theory had been balanced, that an arbitrary and despotic Government was erected in England.

1636. June. Theory of Charles's government.

Ostensibly, at least, Charles's government was a legal one. He was ready at any time to submit his pretensions to the judges, though he had taken good care that no judge likely to dispute his will should have a seat on the Bench. The Petition of Right was still acknowledged to

Its ostensible legality.

[1] See page 103.

[2] See page 147.

be in force. It was, however, of little avail to a prisoner to be able to compel his gaoler to present him before the King's Bench with a written signification of the cause of his committal, if the judges of that court were certain to refuse to give him relief, and if the mere fact of his having appealed to them in vain was equally certain to bring upon him a heavy sentence in the Star Chamber, should ill fortune bring him there. The most important clause in the Petition, therefore, had become a dead letter, not because the judges had openly refused to take it into consideration, but because no prisoner since Eliot had thought fit to avail himself of its provisions. The clause relating to taxation was disposed of in the same way. It was treated with all possible respect. The King took good care not to levy taxes or loans or benevolences. But he took the money he wanted for all that. Neither tonnage and poundage, nor composition for knighthood, nor ship-money was named in the Petition; and the next time that more money was required, Charles's lawyers would take good care to make the demand in some form which would put them, verbally at least, in the right.

No abler or more resolute advocate of this system could be found than Wentworth. Yet, so far as we know, he had not been consulted on English affairs since his arrival in Dublin. His vigorous government in Ireland, and especially his proceedings in Connaught, had been stamped with Charles's approbation. Although not a single person at Court seems to have found fault with his treatment of the landowners of Connaught on the ground on which it was most assailable—namely, its injustice to the Irish population—the Court swarmed with men ready to take up the interests of any great nobleman or great official who felt himself aggrieved. The Earls of Pembroke and Salisbury had done their best to save Lord Cork from the penalty of his misappropriation of Church lands. Others were ready to plead for Lord Wilmot, a veteran who had been called to account by the Deputy for taking Crown property to his own use. Lord Clanricarde, or St. Albans, as he was called in the English peerage, and his

1635. Wentworth's support of it.

Sept. 30. Wentworth's proposed plantation.

Attacks upon him.

son, Lord Tunbridge, were themselves in England to remonstrate against the wrong done to them in Galway. Laud warned his friend of the risk he was running. "I find," he wrote, "that notwithstanding all your great services in Ireland, which are most graciously accepted by the King, you want not them which whisper, and perhaps speak louder where they think they may, against your proceedings in Ireland as being over full of personal prosecutions against men of quality, and they stick not to instance St. Albans, the Lord Wilmot, and the Earl of Cork;[1] and this is somewhat loudly spoken by some on the Queen's side. And, although I know a great part of this proceeds from your wise and noble proceedings against the Romish party in that kingdom, yet that shall never be made the cause in public, but advantages taken, such as they can, from these and the like particulars, to blast you and your honour if they are able to do it. I know you have a great deal more resolution in you than to decline any service due to the King, State, or Church for the barking of discontented persons, and God forbid but you should; and yet, my Lord, if you could find a way to do all these great services and decline these storms, I think it would be excellent well thought on."[2]

Nov. 16. Laud warns him.

Better advice it was impossible to give, but it was not advice which Wentworth was likely to take. It was his manner to look straight at his aim, and to care little for the feelings he wounded in attaining it. Least of all was he likely to care for the wretched combination of interested intriguers which gathered round the Queen. Cottington might find it useful to advocate the claims of the Roman Catholics. Holland might find it useful to advocate the claims of the Puritans. Wentworth passed on his way without heeding. His chief regret was that he could never feel quite sure of support from the King. He had adjured Charles not to squander the grant of the Irish people on his English courtiers. Early in December he learned that Lord Nithsdale was to have 10,000*l.* paid him out of the subsidies of

December. The courtiers and Wentworth.

[1] 'This Earl' in the original. I have altered it to make it intelligible.

[2] Laud to Wentworth, Nov. 16, *Strafford Letters* i. 479.

Ireland. All that his remonstrances gained was that Charles promised that he would not so offend again.

Wentworth pushed on, heedless of friend or foe. Clanricarde died in November, and a rumour at once spread that he owed his death to Wentworth's malice. Went-
November. Death of Clanricarde.
worth felt the insult bitterly, but the only notice he took of it was to urge the King to take into his own hands the authority which the late Earl had exercised in Galway.[1]

It was not long before the courtiers had a fresh charge to bring against Wentworth. Amongst the officials whom the
Wentworth and Mountnorris.
Lord Deputy regarded with suspicion and distrust was Lord Mountnorris, who, as Sir Francis Annesley, had been one of Falkland's opponents. As Vice-Treasurer of Ireland, the whole of the accounts of the kingdom passed through his hands. In such an office Wentworth looked for scrupulous probity and decorum. He complained that Mountnorris was a gay and reckless liver, fond of play, and suspected of accepting bribes in the execution of his office. As early as in the spring of 1634 he charged him with taking percentages to which he was not entitled, and obtained
1634. May. October. December.
an order from the English Privy Council to stop the practice. Mountnorris treated the order with contempt. In that winter session of Parliament which caused Wentworth so much trouble, he assumed the airs of a leader. From that moment it was evident that Wentworth, who well remembered how Mountnorris had headed the attack on the last Lord Deputy, would not rest till he had found the means of ridding himself of so insubordinate an official.

A fresh act of petty malversation was discovered in the spring of 1635. Mountnorris was in possession of a fee of
1635. March.
20*l.* a year as the auditor of accounts which had no existence. It was whispered, too, that either he or his servants had refused payment upon the Deputy's warrant,
April.
till a bribe had been received from the person to whom it was payable.

[1] Wentworth to the King, Dec. 5, *Strafford Letters*, i. 491.

For some time Mountnorris had been talking of resigning his place, and had even asked Wentworth to arrange the terms on which he was to receive compensation from his successor. At the beginning of April he had broken off all treaty with the Deputy, and had announced that he would leave his case in the hands of the King.[1]

Mountnorris talks of resigning.

From that moment secret dislike was exchanged for open defiance. One day a brother of Mountnorris, who was a lieutenant in a troop of horse, was reproved by Wentworth for disorderly conduct at a review. Young Annesley replied to the Deputy's reprimand by an insulting gesture. Wentworth's quick eye caught the act of insubordination. He brought down his cane gently on the lieutenant's shoulder, and told him that if he repeated the offence he would 'lay him over the pate.'

Annesley's insubordination.

Not long afterwards a fresh scene occurred. Another Annesley, a kinsman of Mountnorris, dropped a stool on the Deputy's gouty foot. Then came a dinner at the Lord Chancellor's, at which Mountnorris was present. The story of the dropping of the stool was mentioned. "Perhaps," said Mountnorris, "it was done in revenge of that public affront that the Lord Deputy had done me formerly. But I have a brother who would not take such a revenge."

A stool dropped on Wentworth's foot.

April 8. The dinner at the Lord Chancellor's.

Wentworth appealed to the King. He received in return two letters, the one authorising him to order an inquiry into Mountnorris's malversations in office, the other instructing him to bring him before a court-martial for the words spoken at the dinner. Both these letters were dated July 31. For some unexplained reason no action was taken on them for four months, and it is possible that Wentworth was still hoping for Mountnorris's resignation to cut the knot. In the end of November Mountnorris was summoned to give an account of his official conduct before a committee of the Council. The Deputy had a further

July 31. Wentworth authorised to proceed against Mountnorris.

[1] Wentworth to Coke, May 13, Oct. 6, Dec. 16, 1634, March 25, April 7, 1635; the King to Wentworth, July 31, 1635, *Strafford Letters*, i. 244, 304, 345, 391, 400, 448.

rod in store for him.[1] If he was Vice-Treasurer of Ireland, he was also an officer in the army, and on December 12 he was summoned to a Council of War in the Castle. On his arrival he found that no one knew what the business of the day was to be. He took the seat assigned him by his rank, near the head of the table. At last the Deputy arrived, and informed the Council that they were called to sit as a court-martial on Mountnorris. The language used at the Lord Chancellor's dinner had broken two of the laws of war by which the army was governed. By one of these it was ordered that no man should 'give any disgraceful words, or commit any act to the disgrace of any person in his army or garrison, or any part thereof, upon pain of imprisonment, public disarming, and banishment from the army.' The other ordained that no one should 'offer any violence, or contemptuously disobey his commander, or do any act or speak any words which are like to breed any mutiny in the army or garrison, or impeach the obeying of the General or principal officer's directions, upon pain of death.' On these two grounds Wentworth

Dec. 12. The court-martial.

[1] Writing on Jan. 2, 1636 (*Works*, vii. 216) Laud says that "William Raylton," Wentworth's agent, "came to me and told me that the business of the farms were stirred again, and that the Lord Mountnorris had a hand in it. I found the King very reserved, yet thus much I discovered, that certainly the Lord Mountnorris had made some offer about it. And I hear from a good hand since I spake with the King, that whereas the King hath now but 8,000*l.* per annum, he shall then have 20,000*l.* What truth is in this I know not. But I am most confident that if the King may gain 12,000*l.* a year, you will be very well advised before you will stand so much in his light, having so many eyes upon both your actions and your ends." Later in the same letter, referring to the Court-martial, Laud says, "I pray God this be not interpreted as done by you in revenge for the farms." Writing in answer on March 9 (*Strafford Letters*, i. 517), Wentworth says, "If any should impute this to be done in revenge of Mountnorris his stirring concerning the farms, my answer is full and direct, it was moved long before he offered anything in this business: so as in truth the questioning of him was the mere impulsive cause to strain him to that course, thereby, if it might have been, to save himself, which I daresay he would otherwise have been as far off as anything in the world." But it does not follow that Wentworth's specially angry feeling in December was not due to the business of the farms.

demanded sentence against Mountnorris. He had been himself publicly affronted by Mountnorris's description of the scene which followed on Annesley's insubordination, whilst the words relating to the brother who would not take such a revenge were to be regarded as an incitement to that brother to take a revenge of a more violent kind than the dropping of a stool.

The sentence.

In vain Mountnorris, stupified by the unexpected blow, denied that the words had been correctly reported, and begged that counsel might be allowed to assist him in his defence. Witnesses were produced to prove that the words were his, and he was told that it was not the custom of a court-martial to allow the prisoner the benefit of an advocate. As soon as he was withdrawn, Wentworth demanded sentence in respect of the articles he had cited. It is true that he took no part in the deliberations of the court, and that he remained seated in his place bareheaded, as became a suitor for justice. But he could not divest himself of the commanding aspect which seldom failed to secure obedience, of the knit brow and flashing eye which announced him as a ruler of men. It is no wonder that his enemies spoke of that court as overawed by his presence. Yet it is hardly probable that if Wentworth had left the room the court would have decided otherwise than it did. Its business was to decide according to the strict letter of the law, and it was undeniable that against the letter of the law an offence had been committed.

Sentence pronounced.

After a short deliberation Mountnorris was recalled. Sentence of death was formally pronounced upon him. Then Wentworth addressed him. He might, he said, order out the Provost Marshal at once to execute the judgment of the court. But, as far as life was concerned, he would supplicate his Majesty. "I would rather lose my hand," he added, "than you should lose your head."[1]

[1] Wentworth to Coke, Dec. 14. Wentworth on the Council of War to Coke, Dec. 15, *Strafford Letters*, i. 497, 498. Cromwell to Conway, Dec. 17, *S. P. Ireland.* Rushworth, *Trial of Strafford*, 186. Mountnorris must have known perfectly well from these last words that his life would be spared, and all representation of his agonising expectation of death whilst in prison is therefore pure rhetoric.

It is one thing to justify the conduct of the court-martial: it is another thing to justify the conduct of Wentworth. The extreme powers entrusted to a commander by martial law are manifestly intended only to be put in force when necessity requires. The very code under which Wentworth acted bore words limiting its employment to cases of necessity. In the case of Mountnorris it is evident that at the time when the trial was instituted no such necessity existed. In April there was undoubtedly some slight danger. In the excited state of mind in which Mountnorris and his kinsmen were, it was not altogether impossible that some violent act might have been attempted. Since that time seven months had passed away. The rash words had been followed by no acts of any kind. There was no such danger as that against which the Articles of War were intended to guard. Wentworth was guilty of applying to the destruction of a political opponent the mere technical letter of the law.

Reflections on it.

It is happily unnecessary to argue that this was the true explanation of the case. We have it upon Wentworth's own confession. More than two years later he acknowledged to Mountnorris himself that all he had wanted was to get rid of him.[1]

So thought Wentworth in cold blood. It is hardly likely that he thought so at the time. With his heart filled with scorn of the man who had ventured, without character or talents, to pose himself as his rival, every angry word which Mountnorris had spoken, every corrupt or thoughtless deed which Mountnorris had done, probably branded itself upon his mind, not merely as an insult to himself, but as evidence of insubordination to the King and treason to the State. Most likely, indeed, when the court was sitting,

Wentworth's subsequent account of his conduct.

[1] "At my Lord Mountnorris's departure hence he seemed wondrously humbled, as much as Chaucer's friar, that would not for him anything should be dead, so I told him I never wished ill to his estate nor person, further than to remove him thence, where he was as well a trouble as an offence unto me; that being done (howbeit, through his own fault, with more prejudice to him than I intended) I could wish there were no more debate betwixt us." Wentworth to Conway, Jan. 6, 1638, *Strafford Letters*, ii. 144. See too the note to p. 187.

the idea that the charge brought against Mountnorris had been affected by lapse of time never presented itself to his mind. To his fierce offended spirit all time was present, and April was as December.

The letter in which Wentworth announced the sentence to his friend Conway, the son of the late Secretary, was plainly written in the full belief that Mountnorris was the aggressor. "In my own secret counsels," he wrote of his assailant, "I could to myself never discover those rough hands of Esau they so grievously and loudly lay to my charge; for I dare say that in all the actions of this nature which ever befell me, I shall be found still on the defensive part; and if, because I am necessitated to preserve myself from contempt and scorn, and to keep and retain with me a capacity to serve his Majesty with that honour becoming the dignity of that place I here by his Majesty's favour exercise, therefore I must be taken to be such a rigid Cato the Censor as should render me almost inhospitable to humankind; yet shall not that persuade me to suffer myself to be trodden upon by men indeed of that savage and insolent nature they would have me believed to be, or to deny myself and my own subsistence so natural a motion as is the defence of a man's self."[1]

Dec. 23. Wentworth's immediate defence.

It was not in Wentworth's nature to offer a public defence of his conduct. To his intimate friends he was less reserved. A few weeks brought him tidings that the English Court was up in arms against him. What he had already written to Conway, he now wrote more explicitly and defiantly to Captain Price. "Were it not," he complained, "that such hath ever been my fortune in the whole course of my life to have things imputed unto me as crimes whereof I was not at all guilty, it would have been unto me the strangest in the world to hear myself so bloodily traduced as to be made the author of my Lord St. Albans'[2] death. But it is the property of malice to draw other men as ugly as itself, and albeit it love not the person, yet doth it desire he should be like itself,

1636. Feb. 14. Wentworth's letter to Price.

Complains of being accused of Clanrickard's death.

[1] Wentworth to Conway, Dec. 23, *Strafford Letters*, i. 502.

[2] Wentworth here gives Clanrickard's English title.

but such loose draughts as these will be but admitted to hang in some obscure corner for the meaner sort of people to feed upon, will never dare to abide long nearer the light where noble and skilful eyes will quickly find out their falsehood and imposture, not to be originals drawn after the life, but base copies slubbered over only for sale, without either truth or beauty, but barely as pleased the painter to devise them.

"Now as that death was charged unto me as chance-medley at least, so I may imagine the sentence of the Council of War upon Mountnorris will be found against me as wilful murder. Sure the billows will go high in this case, without one drop of good will to either his lordship or me; for a disaffection to me, not any affection to him, is sufficient to move some to proceed to sentence and fault me for him, nay, I fear, to condemn me too before ever I be heard; and then how is it possible for me to prevent it? For they have given judgment already upon me, and how then will it acquit me to show they have taken the mark amiss, that I had no part at all in the sentence, that it was done by all the prime officers of that army, assisted by at least fourteen captains, privy councillors, and others.

Explains his conduct to Mountnorris.

"Alas!" continued Wentworth, after recounting the proceedings of the court, "all this comes too late. Halifax law[1] hath been executed in kind. I am already hanged, and now we come to examine and consider of the evidence; wherefore I will lay by me this truth which fully satisfieth myself, and betake myself to justify the justice, reason, and necessity of that decree; howbeit I confess I can add nothing to the weight it carries in itself, yet I must needs say that if men, soldiers or officers, may assume a liberty to traduce their general, to endeavour to effect him cheap and vile in the sight of those he is to govern; and all this gratis, without control; how is it possible to govern an army, nay, so much as a company? If therefore discipline be necessary to contain licentious and encourage modest spirits; that, if any are to be subject to this

Complains of being traduced.

Argues that discipline must be maintained.

[1] To be hanged first and tried afterwards, like Lydford law in Devonshire.

discipline, then most properly those that are officers and members of an army are to subject themselves unto it; if any orders or rules of an army to be without exception, then those most convincing that are not made upon the present occasion to serve a turn, but such as have been published and known long beforehand, nay the very same individually this army hath ever been governed under before I was born; and finally, if any judgment and execution thereon to be admitted to be in kind, when so much as when the army is in march, the troops in motion? And will any mind do such a violence to its own candour and ingenuity as to deny that all or any of these do not occur in the case of this gallant fellow?"

No doubt it would have been hopeless to attempt to convince Wentworth that if he had not manufactured new laws 'to serve a turn,' he had given them an application which they had never been intended to have. Against a charge of a different description he was far more successful. "But," he wrote, "I hear it is mightily objected that he is a Peer, and a capital insolence to pass a sentence of death on him that is only triable in these exigents by his peers. 'Tis true, to taint him in blood, to forfeit his estate, that compliment the law requires; but if any man can show me that privilege ever insisted upon, or at least allowed, to any listed as a soldier under the command of his General, they say well; else all may be admitted, and the sentence stand firm nevertheless; and to speak truth, if Peers insist upon such privileges as subsist not with the government of an army, where the remedies as the mischiefs are sudden, and require an instant expedient,[1] they must resolve not to bear arms rather than whole armies be put in hazard by legal, and to them impossible, forms to be observed.

Replies to the argument that Mountnorris was protected by his peerage.

"Then they allege the sentence to be too sharp: that's nothing against the justice of it; but when the execution is stayed, where is the sharpness? I think no man held his

[1] The best comment on this is in the words of the Managers of the Commons:—"The words are pretended to be spoken in April, my Lord of Strafford procures the King's letter in July, and questions it not till December; here is no *opus est*." Rushworth, *Trial of Strafford*, 202.

life to be in danger. For myself, were I put to the choice that he must lose his life, or I my hand, this should redeem that; and howbeit it was never in any man's heart to hurt the least nail of his finger, the example and terror of it to move men to descend into themselves and to avoid such outrages in the future, was by so much the more allowable, nay indeed, commendable and necessary.

Argues that the sentence was not to be carried out.

"Thus have I given you my judgment upon the whole matter as an indifferent man, as little concerned as any of the *speculativi* themselves, and as little to answer for the sentence as they, but let them philosophy and censure other men wiser, and it may be better knowing than these flesh flies that lie buzzing and blowing upon men of virtue to taint their credits and honours, and render them, if they could, as contemptible, as mean as themselves; I say the sentence given by the council of war upon Mountnorris was, in my poor opinion, just and necessary, his fault, and the persons whom it concerned, equally and rightly considered. For the rest, if you be in any point unsatisfied, look upon the sentence, which my agent can show you, and that will abundantly satisfy you."[1]

Comments on those who are dissatisfied.

Some at least there were who were not satisfied. "'Tis held by many," wrote one of Wentworth's correspondents, "a severe sentence. They say, if he had meant any ill, or that ill should have come thereof, he would have whispered those words in corners amongst swordsmen, not been so great a fool to utter them at the Lord Chancellor's table, a great officer and councillor of the kingdom. They wonder that the Viscount Moore should be a witness and a judge, and, in fine, conclude that it cannot be paralleled in any time, that any man for the like words—no enemy in the country—so long time after should be adjudged to die."[2]

Many remain dissatisfied.

Mountnorris was stripped of all his offices on the report of the Committee of Investigation. He did not remain more than three days in prison, though he was afterwards sent back on his refusal to acknowledge the justice of his sentence.

Mountnorris expelled from office.

[1] Wentworth to Price, Feb. 14, *S. P. Ireland.*

[2] Garrard to Wentworth, Jan. 25, *Strafford Letters*, i. 509.

The Vice-Treasurership had long been destined by Wentworth to the son of the Lord Chancellor, Sir Adam Loftus. Wentworth had actually advised him, in order to make sure of the succession, to send over 6,000*l.* to England, to be distributed amongst Cottington, Windebank, and others. Either from pure loyalty or because, as Laud shrewdly suspected, the secret had oozed out, Cottington offered the whole sum to the King. Charles took the money, and used it in the purchase of [illegible] in Scotland, which he was at that time buying as an endowment for the two Scottish archbishoprics.[1] Lo[illegible] Vice-Treasurer of Ireland.

Wentworth asks leave to visit England.

Although Charles's decision in the Deputy's favour silenced the voices of his accusers, Wentworth knew well that the storm might at any time burst out again, and he asked leave to visit England on private business, with the hope that he might justify his conduct to the King more fully than it was possible for him to do by letter.

June. Wentworth at Court.

In June 1636, Wentworth was at Charles's Court. With his Sovereign on his side, he had enough of lip-service from friends and enemies alike. By the King's direction he appeared before the Council to defend his conduct in Ireland.

June 21. Wentworth's statement.

Wentworth's defence was a splendid narrative of triumphs achieved. The Church, he said, was relieved from its poverty, and united in doctrine and discipline with the Church of England. The Irish exchequer had been saved from ruin. When he landed there was a yearly deficit of 24,000*l.* and an enormous debt. In a few months the debt would be paid, whilst a sum of 40,000*l.* had been set aside to buy up sources of revenue which had been mortgaged, and which, when recovered, would bring in 9,450*l.* a year. There was an increase of 18,000*l.* in the revenue, and thus as soon as the mortgages were paid off the deficit would be converted into a surplus. Other sources of income might easily be

[1] Cottington to Wentworth, Jan. 27; Wentworth to Cottington, Feb. 13, *Strafford Letters*, i. 511, 514. Laud to Wentworth, Jan. 23, Feb. 4, *Laud's Works*, vii. 229, 240.

opened, and a considerable saving in the expenditure effected. There would soon be a surplus of 60,000*l.*

Such an exposition of financial success offered a sore temptation to the hungry English courtiers. Wentworth pleaded earnestly with the Council to support him in his efforts to save the money for the public service.

He then proceeded to show that he had not sacrificed the interests of the State to those of the Treasury. The soldiers, he said, were well paid and well disciplined. Every man who served in the army had passed in review under his own eyes. When the troops were on the march they paid fairly for everything they took, no longer satisfying their wants by force, as if they had been in an enemy's country. They were now welcome in every place, where before they were an abomination to the inhabitants. The King was well served at the same time. Never had an army been so completely master of Ireland.

The army.

A full treasury and a strong military force may easily be compatible with the direst misgovernment. Wentworth insisted that he was not liable to this reproach. Justice was dispensed to all without acceptance of persons; 'that the poor knew where to seek and to have his relief without being afraid to appeal to his Majesty's catholic justice against the greatest subject;' that 'the great men' were 'contented with reason, because they knew not how to help themselves, or fill their greedy appetites, where otherwise they were as sharp set upon their own wills as any people in the world.' The Commission of defective titles was doing its work, and now that men could call their lands their own without fear of question, they were able to devote themselves to the improvement of their estates. The acts of the last Parliament were a boon to the whole people, and 'there was a general and steadfast belief on that side in the uprightness of his Majesty's justice, the people were satisfied, his Majesty by them honoured and blessed, in contemplation of the great and princely benefits and graces they participate of, through his Majesty's wisdom and goodness.'

Administration of justice.

June 21.

Trade flourished no less than agriculture. Two years before

pirates had swarmed in the Irish seas. Now the coasts were guarded, and the pirates were no longer heard of. Commerce was rapidly on the increase. Manufactures had been encouraged. The best flax seed had been imported from Holland. Workmen had been brought over from France and the Netherlands. Six or seven looms were already set up, and the foundation of a great industry in the future had been surely laid.

Trade.

Wentworth at last turned to the subject which was in the minds of all his hearers. It had been said that in his treatment of offenders he 'was a severe and an austere hard-conditioned man; rather, indeed, a Basha of Buda than the minister of a pious and Christian king.' He earnestly declared that it was not so, that in private life no one could charge him with harshness, and that it was 'the necessity of his Majesty's service' which had forced him to act as he had done.

Wentworth's defence of his severities.

"And that," he continued, according to his own report in a letter to his friend Wandesford, "was the reason, indeed; for where I found a Crown, a Church, and a people spoiled, I could not imagine to redeem them from under the pressure with gracious smiles and gentle looks. It would cost warmer water than so. True it was that where a dominion was once gotten and settled, it might be stayed and kept where it was by soft and moderate counsels; but where a sovereignty be it spoken with reverence—was going down hill, the nature of a man did so easily slide into the paths of an uncontrolled liberty, as it would not be brought back without strength, not be forced up the hill again but by vigour and force.

"And true it was, indeed, I knew no other rule to govern by, but by reward and punishment; and I must profess that where I found a person well and entirely set for the service of my master, I should lay my hand under his foot, and add to his respect and power all I might; and that where I found the contrary, I should not dandle [1] him in my arms, or soothe him in his untoward humour, but if he came in my reach, so far as

[1] 'handle,' as printed.

honour and justice would warrant me, I must knock him soundly over the knuckles, but no sooner he become a new man, apply himself as he ought to the government, but I also change my temper, and express myself to him, as unto that other, by all good offices I could do him.

"If this be sharpness, if this be severity, I desired to be better instructed by his Majesty and their lordships, for in truth it did not so seem to me: however, if I were once told that his Majesty liked not to be thus served, I would readily conform myself, follow the bent and current of my own disposition, which is to be quiet, not to have debates and disputes with any."

Wentworth may have deceived himself as to his own character. He did not deceive himself in his expectation of the King's approval. "Here," he continued, "his Majesty interrupted me and said that was no severity, wished me to go on in that way, for if I served him otherwise I should not serve him as he expected from me."[1]

The King's approval.

Wentworth's defence is not to be passed over lightly. It is mere pedantry to meet it with arguments drawn from constitutional theories entirely inapplicable to the case. The choice for Ireland in the seventeenth century did not lie between absolutism and parliamentary control, but between absolutism and anarchy. If Wentworth be taken at his worst, it is hardly possible to doubt that Ireland would have been better off if his sway had been prolonged for twenty years longer than it was. Yet with every disposition to do justice to his great qualities, it is undeniable that not only was the system which he favoured peculiarly liable to abuse, but that his own arrogant and masterful temper was still more liable to foster the abuses incident to the system. Eager, with an unsparing and almost superhuman zeal, for the good of those who were entrusted to his charge, he hardly cared what road he took to reach his aims. Government in his hands was in the main a rule of beneficence. Yet not only did he treat with disdain the feel-

Reflections on his defence.

[1] Wentworth to Wandesford, July 25, *Strafford Letters*, ii 13.

ings of individuals and of whole populations, but he thrust aside as unworthy of a moment's consideration the requirement that he who rules should be calm and frank as well as bold. Threats, surprises, and intrigues were equally reckoned by him amongst legitimate weapons of defence. To bully a jury, to cajole a Parliament, to try a man upon a capital charge in order to drive him to resign an office, were his ordinary resources of government. Such a man never did and never could inspire confidence. His actions would be regarded as having some hidden meaning—some deep plan to be fathomed only by himself. Men might become richer, happier, and more prosperous under him; they were hardly likely to become better. The silent diffusion of a sense of moral order, the elevation of mind by the contemplation of a Government subjecting force to law, were no objects at which Wentworth aimed.

Wentworth's power established in Ireland.

Wentworth's position appeared to be impregnable. Once more, indeed, he had pleaded with Charles for an earldom, as a mark of favour to sustain him against his enemies, and once more he had pleaded in vain.[1] He carried back, however, permission to proceed with the plantation of Connaught. As far as Ireland was concerned, the whole country was at his feet. The very gentlemen of Galway who had stood out against him humbled themselves before him, and entreated his good offices with the King.[2]

It was impossible to separate Ireland from England. On the one hand, the strength of Wentworth's government might easily become a menace to the English nation. On the other hand, even that strength would be undermined by any weakness which might appear in Charles's authority in England.

Ireland's connection with England.

[1] Wentworth to the King, Aug. 23. Laud to Wentworth, Aug. 23, Wentworth to Laud, Aug. 26, *Strafford Letters*, ii. 26, 27, 31.

[2] Notes of the Committee for Irish Affairs, July 8, 1636. Galway Petition, Feb. 9, 1637, *S. P. Ireland.*

CHAPTER LXXXII.

THE THIRD WRIT OF SHIP-MONEY.

To all outward appearance Charles's authority had never been stronger than in the summer of 1636. Ship-money was paid with reluctance, but reluctance had not yet ripened into defiance. The judges, the sheriffs, and the justices of the peace were the ready instruments of the King. The bishops, with a large and increasing number of the clergy, were his enthusiastic supporters. Everything was on his side, except the people of England.

1636. Apparent strength of Charles's position.

How the Protestantism of England was alienated has been told already. In the summer of 1636 men who cared little for Protestantism were beginning to fear for their pockets. The additional impositions agreed upon by the Treasury Commission in the preceding summer were now levied. The 30,000*l.* which as yet flowed into the exchequer from this source were far from being the measure of the injury resented. In theory the King had assigned to himself the right of burdening commerce as he pleased when he levied tonnage and poundage without a parliamentary grant. At last the theory had clothed itself in a practical increase of the duties, and men who were slow to be moved by Eliot's assertion of the privileges and rights of Parliaments were stirred to anger when they found that they had to buy their wine or their silk at dearer rates than before. Other burdens were added at the same time. Country gentlemen were summoned before a Commission of Depopulations, and were fined for pulling down cottages on their estates. The notion

Increase of customs.

Fines on depopulations.

that the King was the supreme regulator of trade was finding expression in the erection of new corporations, which, at least in the opinion of the Crown lawyers, were exempt from the operation of the Monopoly Act, but which were allowed to exclude all other persons from the exercise of certain employments. The intention may have been good, but the way in which it was carried into effect did not serve to increase the popularity of the Government.

Erection of corporations.

In the midst of this growing feeling of dissatisfaction, the third writ of ship-money, the second of those which had been sent out to the whole of England, was duly issued on October 9, 1636. It was no longer possible to regard ship-money as a temporary burden imposed to meet an emergency. It was evidently intended to remain as a permanent tax upon the nation.

Oct. 9. The third writ of ship-money.

The resistance to the collection of the last levy had been rather local than national. When the third writ was issued the deficiency of the collection under the second amounted to 20,544*l.*, of which 12,000*l.*, or more than half, was owing by the six counties of Northumberland, Somerset, Warwick, Oxford, Northampton, and Essex.[1] The resistance to the third writ was at once raised in the very presence of the King himself. Men of the highest rank, and of the most loyal and devoted character, saw clearly that nothing less than the whole future constitution of England was at stake. Just as Laud's innovations had driven the moderate Protestants into the arms of the Puritans, so did the third writ of ship-money drive the moderate constitutionalists into the arms of the partisans of Parliamentary supremacy. Doubtless the tide of opposition was swelled by many a stream stained and corrupted at its source. There were men who, in mere gaiety of heart, were ready to plunge England into war; and there were men who, without counting the cost, were ready to stir the fire of civil faction. There were others who hardly knew what they wanted or whither they were going. The strength of the opposition did not lie here. It was to be found in the fixed resolution of peer and commoner not to allow the

Deficiency in last collection.

Rising opposition.

[1] *S. P. Dom.* cccxxxiii. 30.

hereditary rights of Englishmen to be sacrificed. They had been willing that Parliaments should remain in abeyance for a time. They were not willing that they should be cast aside for ever as obstacles in the path of an arbitrary and irresponsible Government.

The mouthpiece of this class, so little prone to faction and, from the very moderation of its sentiments, so dangerous to offend, was Henry Danvers, Earl of Danby. He was one of those men who allow the prizes of fortune to slip past them. In Elizabeth's reign he had fought bravely in the Low Countries and at sea. As a friend and follower of Essex he had been placed in high office by him in Ireland. His elder brother, Sir Charles Danvers, was involved in his patron's treason, and suffered on the scaffold. He was himself taken into favour by James, made Lord President of Munster, and subsequently Governor of the Channel Islands. He might at one time have been ambassador in France, with the prospect of succeeding Falkland as Lord Deputy of Ireland, but his health was broken and he shrank from the exertions of a post which taxed all the resources of Wentworth. He now stepped forward from his retirement to warn Charles of the risk which he was incurring. He told him that, as an old servant of the Crown, he could no longer refrain from representing to him the universal discontent of his subjects. The new levies of money were repugnant to the fundamental laws of England, and to those privileges which their ancestors and themselves had till the present time enjoyed. It was of the manner in which the money was raised, not of the amount, that they complained. He had spoken to no one who was not ready to shed his blood for his Majesty. He entreated him to reflect that the only way of giving satisfaction to his subjects was to summon Parliament.

December. Danby's letter.

When Danby's letter was placed in the King's hands, he was chatting with some of his attendants. They observed that he changed colour as he read it. When he came to the end he walked up and down the room, showing his displeasure by his gestures.[1]

The King receives it.

Correr to the Doge, Dec. $\frac{2}{12}$, *Ven. MSS.*

Charles, in truth, had gone too far to take Danby's well-meant advice. It would doubtless have been easier to come to terms with a Parliament in 1637 than it afterwards was to agree with a Parliament in 1640; but it would have been harder than it had been in 1629. The King would have to consent to some limitation of his authority in Church and State, to abandon the ecclesiastical system which he had carefully built up, and to admit, in some form or other, his responsibility to Parliament.

Charles hoped to content his people with less than this. He fancied that the inactivity of his fleet in the last summer was the main cause of discontent. He now gave out that better things were to be expected in the coming season. The sovereignty of the sea was to be asserted over the Dutch fishermen. Something was to be done for the Elector Palatine. An active foreign policy, in short, was to turn men's thoughts away from domestic grievances.

Charles shrinks from summoning a Parliament.

Before the end of the year Arundel was again in England. He had felt his failure at Vienna almost as a personal insult. Hitherto he had been an advocate of peace and of an alliance with the House of Austria. He came back a changed man: bitterly denouncing the perfidy of Spain, and persistently arguing in favour of a French alliance, even if it should lead to open war.[1]

Dec. 30. Arundel's return.

Joyfully did the lords of the Opposition welcome their new ally. Charles was hourly besieged with cries for war and a Parliament. He had no mind for either. He turned sharply upon Warwick, in whose county of Essex the collection of ship-money was as backward as might have been expected in a district still under the lash of the Forest Court.[2] In many places the money could only be obtained by the distraint and sale of cattle; and in one instance a horse which had been sold had been carried off by force from its purchaser by its original

Charles urged to go to war.

Resistance to ship-money in Essex.

[1] Correr to the Doge, Dec. $\frac{9}{19}$, *Ven. MSS.*

[2] Mildmay to the Council, Dec. 11, 16, *S. P. Dom.* cccxxxvii. 27, 41. On Jan. 20, 1,900*l.* were still unpaid in Essex on the second writ. *Ibid.* cccxliv. 50.

owner. Charles blamed Warwick as a supporter of this insubordination of his tenants. Warwick's reply was couched in terms far plainer than Danby's letter had been. His tenants, he said, were old men, and had been accustomed to the mild government of Queen Elizabeth and King James. They could not bring themselves to consent, at the end of their lives, to so notable a prejudice to the liberties of the kingdom ; nor were they willing voluntarily to deprive their posterity of those benefits which they had themselves inherited from their ancestors as a sacred deposit, though they were ready, one and all, to sacrifice life and goods for his Majesty. If only the King would join France in a war for the Palatinate, and would maintain his own sovereignty over the sea, Parliament would gladly furnish all the supplies he needed.

1637. January. Warwick called to account.

Such language had not reached the ears of Charles since Eliot died in the Tower. Warwick, as Charles, well knew, did not stand alone. The lords who sympathised with his bold declaration were actually drawing up a protest echoing the words which he had spoken. If this protest ever really came into existence, in all probability it never reached Charles's eye. He allowed it to be plainly understood that he would have nothing to do with a Parliament. To call Parliament was equivalent to an abandonment of the ecclesiastical ceremonies, and for that he was not prepared.[1]

A protest proposed.

For anything short of that, however, Charles was now prepared. Arundel's vigorous language weighed upon his mind. In vain Oñate protested against the slur cast by the ambassador upon his master's good faith. Charles assured his nephews that he was disgusted with the treatment which he had received from the House of Austria, and was determined to do himself right.[2] He was

Charles prepares to assist his nephew.

[1] Correr to the Doge, Jan. $\frac{6}{16}$, *Ven. MSS.* The protest printed in *Rushworth*, ii. 359, may perhaps have been that which eventually was drawn up, but it does not quite agree with Correr's account.

[2] Correr to the Doge, Jan. $\frac{13}{23}$, *Ven. MSS.*

specially angry at the news that the King of Hungary had been chosen King of the Romans, and that Maximilian of Bavaria had been allowed to give an electoral vote. A meeting of the Foreign Affairs Committee decided that some of the King's ships should be lent to the young Elector, to put to sea under the flag of the Palatine House. The Danes and the Swedes were to be invited to co-operate actively in so good a cause.[1] All this Charles fancied he could do without giving offence to anyone. When the resolution of the Committee was referred to the full Council, he asked the opinion of the members how the business could be best effected without the least danger of breaking with Spain.

Jan. 16. Ships to be lent to him.

Jan. 22.

Feb. 1. After much discussion, it was resolved that the ships should be lent. Merchant vessels lying in the Thames were to be pressed to make up the number. The news of the King's concession was received with enthusiastic applause at Court. Noblemen came forward to offer voluntary contributions to lighten the expense. Lord Craven declared himself ready to give as much as 30,000*l.* It is not likely that those who thus freely opened their purses expected very happy results from such an enterprise ; but, though they knew well that the Palatinate was not to be recovered by the capture of a few Spanish cruisers, they believed that the conflict, once begun, would not be limited to the sea. When once he was engaged even indirectly Charles would find it impossible to draw back. Oñate had told him that he would not be allowed to make war under his nephew's cloak, and everyone but Charles himself was of opinion that Oñate was in the right.

So, too, thought the French Government. Richelieu could not comprehend how Charles could mean anything but war with Spain. The very day on which the decision was taken in the Council, a courier arrived with fresh overtures from France.[2] Richelieu no longer

Fresh overtures from France.

[1] Beveren to the States-General, Jan. $\frac{6}{}$. Boswell's proposal at the Hague, Feb. $\frac{9}{19}$, *Add. MSS.* 17,677 P. fol. 148, 161.

[2] Correr to the Doge, Feb. $\frac{31}{13}$, $\frac{10}{20}$, *Ven. MSS.* Beveren to the States-General, $\frac{\text{Jan. } 27}{\text{Feb. } 6}$, Feb. $\frac{3}{13}$, *Add. MSS.* 17,677 O, fol. 166, 163.

demanded the immediate conclusion of a league offensive and defensive. It would be enough for the present if Charles would agree to an auxiliary treaty, as it was called, by which he was to engage to give no help either directly or indirectly to Spain, the Emperor, or Bavaria, to allow the levy of 6,000 volunteers for the service of Louis, and to put to sea at least thirty armed vessels to guard the coasts of France and England and hinder the transport of money and munitions to Flanders. On the other hand, Louis was to make no peace without Charles's consent, or even to treat for it without assurance of the restitution of the Palatinate, Maximilian being, however, allowed to retain the Electoral title for his lifetime. A conference was to be opened at Hamburg or the Hague, at which the allies of France were to meet to draw up conditions embodying these demands. If the Emperor refused to grant them, England would then join France in an offensive and defensive alliance. Besides all this, the Elector was at once to be sent to sea at the head of twelve or fifteen ships.

Even the league offensive and defensive, distant as it was, was explained away so as to suit Charles's taste. It was to bind him to nothing more than a maritime war. He was to stop the passage of ships between Spain and the Indies and between Spain and Flanders. Places taken by the French in the Low Countries were to be deposited in the hands of the Elector Palatine, as a pledge for the ultimate restitution of his inheritance.

Charles could hardly avoid taking into consideration a proposal so studiously moderate; but he resolved to make sure of his position at home before he entered into any engagement abroad. His right to levy ship-money was now denied, not by isolated persons, nor even by isolated groups of persons, but by the leaders of the nobility, by councillors of state, by men of weight and influence in the country. At least the substance of the protestation drawn up can hardly have failed to come to his knowledge, and he must have heard that an intention existed of bringing the question to an issue in the Courts of Westminster in such a manner that it would be impossible to

Charles determines to consult the judges about ship-money.

dispose of the complaint as summarily as Chambers had been dismissed by Berkeley a few months before.

Once more therefore Charles proceeded to state his case to the judges. "Taking into our princely consideration," he wrote, "that the honour and safety of this our realm of England, the preservation of which is only entrusted to our care, was and is now more nearly concerned than in late former times, as well by divers counsels and attempts to take from us the dominion of the seas, of which we are sole lord and rightful owner and proprietor, and the loss whereof would be of greatest danger and peril to this kingdom and other our dominions,—as many other ways; We, for the avoiding of these and the like dangers, well weighing with ourselves that where the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, there the charge and defence ought to be borne by all the realm in general, did for preventing so public a mischief resolve with ourselves to have a Royal navy provided that might be of force and power, with Almighty God's blessing and assistance, to protect and defend this our realm and our subjects therein from all such perils and dangers; and for that purpose we issued forth writs, commanding thereby all our said subjects to provide such a number of ships well furnished as might serve for this our royal purpose, and which might be done with the greatest equality that could be. In performance whereof, though generally throughout all the counties of this our realm we have found in our subjects great cheerfulness and alacrity, which we graciously interpret as a testimony as well of their dutiful affections to us and to our service as of the respect they have to the public, which well becometh every good subject:—

Feb. 2. The King's letter.

"Nevertheless, finding that some few, haply out of ignorance what the laws and customs of this our realm are, or out of a desire to be eased and freed in their particulars, how general soever the charge ought to be, have not yet paid and contributed the several rates and assessments that were set upon them; and foreseeing, in our princely wisdom, that from hence divers suits and actions are not unlikely to be com-

menced and prosecuted in our several courts at Westminster; We, desirous to avoid such inconveniences, and out of our princely love and affection to all our people, being willing to prevent such errors as any of our loving subjects may happen to run into, have thought fit in a case of this nature to advise with you our judges, who we doubt not are all well studied and informed in the rights of our sovereignty; and because the trials in our several courts by the formality of pleadings will require a long protraction, we have thought expedient by this our letter, directed to you all, to require your judgments in the case as it is set down in the enclosed paper, which will not only gain time, but also be of more authority to overrule any prejudicate opinions of others in the point."

Nature of this letter.

Such a letter speaks for itself. Objectionable as was the practice of consulting the judges as legal advisers of the Crown, it was sanctioned by too long a course of precedents to make it likely that it would be lightly abandoned. Hitherto, however, whenever the Crown had asked the opinion of the judges, it had asked that opinion at least ostensibly to enable it to shape its course according to the law. Charles now openly asked them to promulgate that opinion which he had received from them a year before, not to enlighten himself, but to hinder his subjects from arguing the disputed question in Westminster Hall. No doubt, as Finch, who was again entrusted with the work of persuasion, afterwards declared, they all knew that their opinion could have no binding force till it had been argued before them by counsel; but neither can there be any doubt that the King wished it to be accepted by his subjects as binding.

The King's case.

The case laid before the judges was as follows:—"When the good and safety of the kingdom in general is concerned, and the whole kingdom is in danger;—Whether may not the King by writ under the Great Seal command all the subjects of this kingdom, at their charge, to provide and furnish such number of ships with men, victuals, and munition, and for such time as he shall think fit, for the defence and safeguard of the kingdom from such danger and

peril, and by law compel the doing thereof in case of refusal or refractoriness?

"And whether in such case is not the King the sole judge, both of the danger, and when and how the same is to be prevented and avoided?"

After five days' deliberation, all the twelve judges returned an answer in the affirmative to both these questions. Croke and Hutton had only signed because they were informed that it was the practice that the minority should be bound by the opinion of the majority, and Bramston, if we may trust the tradition of his family, would have preferred to insert words limiting the obligation of furnishing ships to the time of necessity only. But the objection was overruled, and a week afterwards the opinion was read publicly in the Star Chamber by the Lord Keeper as 'the uniform resolution of all the judges' opinions with one voice.' Orders were given that it should be entered in the Star Chamber, in Chancery, in the King's Bench, Common Pleas, and Exchequer, and that it should be published by the judges at the assizes. Coventry, indeed, added that it was not the King's intention to prohibit his subjects from bringing actions if they chose to do so, but he plainly hinted his belief that any lawyer would be very foolish who took up so desperate a cause in defiance of the fathers of the law.[1]

Feb. 7. Answer of the judges.

Feb. 14. Their answer publicly read.

The judges had been fairly launched upon the tide of political conflict. The question which they had been asked to decide was not one to be settled by mere reference to statute and precedent. The sovereignty of England was involved in it; and it was hardly to be expected that more than a small minority of the judges, dependent as their seats were upon the good pleasure of the Crown, would be quick-sighted to detect the weakness in Charles's case.

Position of the judges.

Out of the atmosphere of Westminster Hall, however, the solution arrived at by the judges seemed strange indeed. To

[1] The King to the Judges, Feb. 2. Answer of the Judges, Feb. 7, *S. P. Dom.* ccxlvi. 11, 14 *Autobiography of Sir J. Bramston*, 68. *Rushworth*, ii. 352.

men with their eyes open it was perfectly clear that Charles's claim had nothing in common with the demands which the Plantagenet kings had put forward in their hours of peril. Even if it had been conceded, as we at least may fairly concede, that the King had judged rightly that the growth of the maritime forces of France and the Netherlands constituted a permanent danger to England, which needed to be met by a permanent defence, the men of that day might fairly argue that it was all the more necessary that Charles should take the nation into his counsel. Their common sense told them that it was no question whether the King or the Parliament was the best judge of danger. It was a question whether Parliaments should cease to exist in England.[1] The desire to go back to the old state of things seized upon the minds of Englishmen. Unhappily, under Charles's mismanagement, the old days, when Crown and Parliament could work harmoniously together, had passed away, at least for a time.

It could not be long before the bitter feeling thus aroused would make itself plainly felt. For the present, however, the opinion of the judges had its weight. Rapidly and surely the collection of ship-money proceeded.[2] On February 18 the whole sum gathered in upon the new writ was 54,000*l.*, on March 4 it was 68,500*l.*, and the amount had risen to 89,000*l.* by the end of the month.[3]

March.

[1] The language, incorrect as it is, in which the Venetian Ambassador described the opinion of the judges is significant of the sense in which it was taken by his informants. They declared, he says 'che il Rè per difesa del regno et per altri simili gravi urgenze, per il bene del medesimo habbia libera facoltà d'imponer taglie et aggravie a sudditi a voglia sua, senza haverne mai a render conto al Parlamento del bisogno che in qualsivoglia tempo possa astringerlo a tal deliberatione, dovendo esser giudice lui solo et la sua sola conscienza, non obligato à render conto ne dei proprii dissegni ne degl' interessi dello stato, a chi si sia de' suoi vassalli.' The consequence, he goes on to say, will be 'a sradicare in un colpo per sempre la radunanza de Parlamento et a render il Rè in tutto e per tutto independente e sovrano.' Correr to the Doge, Feb. $\frac{17}{27}$, *Ven. MSS.*

[2] Correr to the Doge, March $\frac{3}{13}$, *Ven. MSS.*

[3] Accounts of Ship-money, Feb. 18, March 4, 31, *S. P. Dom.* cccxlvii. 43, cccxlix. 31, cccli. 56.

On February 17, three days after the Lord Keeper's announcement of the opinion of the judges, the treaty proposed by France, corrected in some minor particulars, was finally accepted by the King.[1] On the 20th it was sent back to France. No one at the English Court entertained a doubt that the French alliance was secure. Full powers were sent to Leicester to conclude everything by March. The moment the news should reach England that the treaty had been signed preparations were to be made for sending the Elector to sea. He was to sail on April 15 with fifteen ships of war, carrying an Admiral's commission from the King of France. Money was expected to pour in from the rich lords and commoners who were anxious to support the enterprise.[2]

Feb. 17. The treaty accepted.

Feb. 22. The King certain that the French alliance is secured.

Never to the inexperienced had Charles's affairs appeared in a more prosperous condition. Opposition at home seemed to have been silenced by the declaration of the judges. Abroad the King seemed to be on the eve of obtaining that which he had long sought in vain—the pledge of a great power to obtain for him the Palatinate, the sole object of his aim upon the Continent, in return for a merely maritime assistance. All this, too, was to be his without any necessity of recurring to Parliament.

Those who applauded Charles's resolution knew well that he was embarking on a course entailing larger responsibilities than he imagined, and that a war once begun indirectly could not be circumscribed at his bidding. If their hearts were a little in the Palatinate, they were much more in England. On the despatches which went forth to Leicester they saw written in invisible characters the supremacy of Parliament, the reorganisation of the Church, and the humiliation of Laud.

Laud himself was distracted between hope and fear; but it was hope that predominated. Like his master, he believed in the possibility of limiting the war. "God speed what must go

[1] Treaties, Feb. 14, *S. P. France.*

[2] Beveren to the States-General, $\frac{\text{Feb. 22}}{\text{March 4}}$, *Add. MSS.* 17,677 P, fol. 176.

on," he wrote to Wentworth. "But, God be thanked, in all this troublesome business God hath exceedingly blessed his Majesty. For this term, the judges have all declared under their hands, unanimously, that if the kingdom be in danger, the King may call for, and ought to have, supply for ship-money through the kingdom, and that the King is sole judge when the kingdom is in this danger. So that now the King—if he be put to it—may anger his enemies at sea, and I hope no man shall persuade him to undertake land-forces out of the kingdom. I did fear everything till this point was gained. Now, by God's blessing, all may go well, though it should be war." [1]

Feb. 11 Laud's view of the position.

There was one man amongst Charles's subjects who at the same time foresaw his danger and desired to avert it. That man was Wentworth, and to him Charles applied for advice. It was the first time, as far as we know, that the Lord Deputy's opinion had ever been asked on the larger issues of policy. Wentworth knew too well the arduous nature of the difficulties which had still to be overcome at home before Charles could hope to gather round him a submissive Parliament, to look with anything but the deepest distrust upon the merest shadow of warlike action. To the fortunes of the Palatinate he was utterly indifferent. A rich and prosperous England under his master's sceptre was the ideal for which he strove, and all other considerations were but as dust in the balance.

Feb. 28. The King applies to Wentworth.

"I must confess," he wrote in reply, "the services and interests of your Majesty are laid so near and close to my heart as it affects me very much to hear the peace and prosperity of your affairs at home disquieted by entering again into action upon any foreign hopes or engagements abroad, until the Crown were discharged of debts, the coffers filled, and your Majesty's profits and sovereignties set upon their right foot throughout your three kingdoms. And in truth, this foundation well and surely laid, what, under the goodness of Almighty God, could be

March 31. Wentworth's reply. The King not prepared for war.

[1] Laud to Wentworth, Feb. 11, *Works*, vii. 315.

able to shake this monarchy or stay the wheel of your Majesty's triumph?"

It was 'an acknowledged truth,' he proceeded to say, 'that kings and common parents ought, next to themselves, principally to intend the weal and security of their people for whom they are . . . answerable to the world in point of honour and to Almighty God in case of conscience.' The proposed war would certainly bring with it a great charge, and would interrupt that stream of commerce of which England as a neutral State was reaping the benefits. It might fairly be asked whether the King was bound in justice and honour to restore his nephew at all. The misfortunes of that family had not been due to any advice given to it from England. Even if any such duty existed, it was doubtful whether France were either able or willing to give effectual help. It was also to be doubted whether the mere assistance of an English fleet would be sufficient to induce France to fulfil all the promises she might make; and even if this were taken for granted, it must be remembered that a fleet sent to sea was subject to casualties, and that it was useless to send it out without being ready to reinforce it, or even to provide a second fleet if the first were destroyed.

To look at home first.

Here, then, came the practical question which Charles had so unaccountably overlooked. If the fleet needed reinforcement, what was to be done? Were the subjects to be asked to pay two levies of ship-money in the same year? If not, what remained but to summon Parliament?

How is the fleet to be reinforced.

Further, it is clear that Wentworth wished the King to have the acknowledged right of levying money to support an army, as well as money to support a navy. Thus only would he be able to defend England by keeping his adversaries employed abroad. "It is plain indeed," he continued, "that the opinion delivered by the judges, declaring the lawfulness of the assignment for the shipping, is the greatest service that profession hath done the Crown in my time. But, unless his Majesty hath the like power declared to raise a land army upon the same exigent of State, the Crown seems to me to stand

An army necessary.

but upon one leg at home, to be considerable but by halves to foreign princes abroad. Yet even this, methinks, convinces a power for the sovereign to raise payments for land forces, and consequently submits to his wisdom and ordinance the transporting of the money or men into foreign states, so to carry by way of prevention the fire from ourselves into the dwellings of our enemies—an act which it seems Edward III. and Henry V. full well understood—and if by degrees Scotland and Ireland be drawn to contribute their proportions to these levies for the public, *omne tulit punctum.*

"Seeing then that this piece well fortified, for ever vindicates the Royalty at home from under the conditions and restraints of subjects, renders us also abroad even to the greatest kings the most considerable monarchy in Christendom; seeing again, this is a business to be attempted and won from the subject in time of peace only, and the people first accustomed to those levies, when they may be called upon, as by way of prevention for our future safety, and keep his Majesty thereby also moderator of the peace of Christendom, rather than upon the bleeding evil of an instant and active war; I beseech you what piety of alliances is there that should divert a great and wise king forth of a path which leads so manifestly, so directly, to the establishing his own throne and the secure and independent seating of himself and posterity in wealth, strength, and glory, far above any their progenitors, verily in such a condition as there were no more hereafter to be wished them in this world but that they would be very exact in their care for the just and moderate government of their people, which might minister back to them again the plenties and comforts of life; that they would be most searching and severe in punishing the oppressions and wrongs of their subjects, as well in the case of the public magistrate as of private persons, and lastly to be utterly resolved to exercise this power only for public and necessary uses; to spare them as much and often as were possible, and that they never be wantonly vitiated or misapplied to any private pleasure or person whatsoever. This being indeed the very only means to preserve, as may be said, the chastity of these levies, and to recommend their beauty so

far forth to the subject, as being thus disposed, it is to be justly hoped they will never grudge the parting with their monies."[1]

It is unnecessary to follow Wentworth into the details of his recommendations. Never was any State paper written in which the object and the means by which it was to be gained stand more clearly before the reader. It needs no interpreter to explain its meaning. It is the old, old story of a beneficent despotism, of the monarch who is to cast all personal affections, all dynastic entanglements aside in order that he may establish a power which he may use for his people's good. It was no new thought which had won its way into Wentworth's mind. Once he had looked for his ideal of government to the authority of the Crown exercised in such a way as to deserve the approbation of the House of Commons. In his hatred of the anarchy and disorder which was proceeding from an incapable minister, he had leaned more upon the voice of the House of Commons than under other circumstances he would have been inclined to do. Then had come a rude awakening. The House of Commons put forth its hand to grasp the sovereignty of the State, and became in its turn, as it might well seem to him, the fountain of anarchy and disorder. He chose his side. He stood for the King, to bring order out of disorder, discipline out of anarchy. Still there was to be answering acceptance by the governed, no longer indeed from the old political classes, but from 'the new social strata' beneath them, speaking their inarticulate thanks not in parliamentary oratory, but in heartfelt prayers by humble cottage hearths. Every year that he had passed in Ireland had branded this ideal of government more deeply on his mind. It could not be that the medicine which had cured, or seemed to cure, so many ills on one side of St. George's Channel, should fail of its efficacy on the other.

Tone of the recommendations.

There have been nations in such a stage of political development that Wentworth's advice would have been, if not the highest policy, at least the highest possible policy. It is not likely that, with his feeling of dislike towards France, there

[1] Wentworth to the King, March 31, inclosing Considerations, &c., *Strafford Letters*, ii. 59.

was in Wentworth any conscious imitation of Richelieu ; but there may well have been an unconscious tendency to aim by the same means at the ends at which Richelieu was aiming. England may well be proud of possessing in Wentworth a nobler, if a less practical statesman than Richelieu, of the type to which the great Cardinal belonged. He was more solicitous for the internal welfare of his country than Richelieu was, less solicitous for its external greatness. The prosperity of the poor, of the weak, of all who had none to help them, held a larger place in his imagination. On the other hand, as far as the foreign relations of the country were concerned, he stands on a lower level than Richelieu. Anticipating the policy of the reign of Charles II. and of the eighteenth century, he thought of making England materially prosperous, without care for the moral and spiritual interests of Europe as a whole. His foreign policy, like that of Chatham, was distinctly English ; whilst that of Richelieu aimed at serving France by entering into combination with the interests of the most developed of European states.

Comparison between Wentworth and Richelieu.

Whatever may be thought of Wentworth's policy, England may be proud to remember that she needed not the terrible surgery to which he would have subjected her. In France, to vindicate the throne 'from under the conditions and restraints of subjects' was to cast off the tyranny of a self-seeking nobility entirely devoid of public spirit and aiming solely at enriching themselves at the public expense. It would be to close our eyes to the history of the parliaments of the early part of the eighteenth century to assert that no danger of the kind awaited England ; but the danger was as nothing to the danger which awaited England from Wentworth's success. If the great dramatist who had told forth the historical conceptions of the Elizabethan age had held up to admiration, in Henry V., a king who could live free from the conditions and restraints of subjects, he had acknowledged that the imposition of those conditions and restraints upon Richard II. was the last sad necessity of evil rule. He could recount the scenes of the life of John without according even a passing glance to the barons of Runnimede. Though he felt no attraction to the

great Earl Simon, or the greater Edward I., and though, in telling of the Parliament which called Richard II. to account, he dwelt upon its janglings and its injustice, he could yet acknowledge its action to be a necessity. Yet though to the student of Shakspere there is nothing startling in Wentworth's reliance on the nobleness of kingship rather than on the popular will, it was none the less a mighty revolution which Wentworth was imagining. That which for Shakspere was the result of the combined force of ability and character in the ruler, was placed by Wentworth above those conditions. The armed soldiers and the armed fleet which he was anxious to gather for the defence of the throne would fight for a bad governor as well as for a good one; would arm the King against treason and conspiracy, but would also arm him against the natural consequences of his own errors and crimes. Shakspere had seen what Wentworth could not see, that it was better that a government should be levelled in the dust than that it should cease to be answerable for its faults. From the midst of the glories of the Elizabethan age he had proclaimed that principle of the responsibility of the Government by which the English people had been truly great, that principle which is deeply rooted in the highest needs of the human race itself. To this principle Wentworth had become a traitor—an honourable, high-minded traitor it may be—but a traitor still. If Charles had been far greater and nobler than he was, if his will had been the true measure of justice for his generation, nothing short of the assurance of the utter incapacity of the political classes of England for taking part in government at all could have justified Wentworth in choosing to rest the powers of government upon the unchecked will of the sovereign.

Clear perception of all the conditions of action was therefore wanting to Wentworth. He could see nothing in Puritanism but the dry unimaginative contentiousness of a Prynne; nothing in the political opposition but the greedy brainless agitation of a Holland. Above all, he could not see how utterly unsuitable Charles was to become the corner-stone of the policy which he contemplated. With what ears would Charles hear that Wentworth had recommended him to post-

pone, if not entirely to sacrifice, those claims of his sister and her family which had been so near to his heart ever since he came to the throne? With what ears would he hear that Wentworth, in his long exposition of the objects to be aimed at by means of ship-money, had absolutely forgotten, till twenty days after his letter was written, even to mention that scheme for obtaining from the Dutch the payment for the fishing licences which he himself looked to as an acknowledgment of his claim to the sovereignty of the seas?[1] Wentworth's political aims would have been equally worthy of condemnation, and would have been far more dangerous, if a ruler with a spirit as lofty as his own had been upon the throne of England. As it was he might as well have been engaged in spinning ropes out of the sand of the sea as in building up a potent and absolute monarchy of which the sceptre was to be held in the hands of Charles. It needed not Wentworth's voice to rebuke Charles's fluctuation between peace and war. Already that policy was crumbling away by its own inherent rottenness. No sooner had the treaty reached France than the French began to raise objections to the alterations which Charles had made in it. In vain Charles urged haste, that his nephew's fleet might put to sea. He was told that, though Louis was himself ready to accept the treaty, he could not ratify it till it had been referred to the consideration of the allies who were shortly to meet in conference at Hamburg. Another summer would thus be lost, an object which it is probable enough that the French, despairing of any real aid from Charles, had in view from the very commencement of the negotiations.[2]

The French treaties referred to future consideration.

In vain Charles, being disappointed of help from France, had attempted to fall back upon Spain, and had sent Windebank to propose to Oñate one more secret treaty for the Palatinate. Oñate replied by asking what Charles intended to do against France and the Dutch. Then came a renewal of the old dispute, whether Spain was to begin the friendship by restoring

[1] Wentworth to the King, April 19, *Strafford Letters*, ii. 64.

[2] Leicester to Coke, March 29; Coke to Leicester, May 6; Leicester to Coke, June 6, 12, *S. P. France.*

the Palatinate, or England by making war against the Dutch. Oñate kept up the discussion, but he wrote home that it was of no importance whatever. Charles, he said, as had been so often said before, was too weak to make war unless he would consent to summon Parliament and to accept it as his master —a thing which both he and his ministers were afraid of. The Spanish Government, like the French, saw clearly that all that was to be done with Charles was to keep him amused. Richelieu and Olivares were well aware that, however much he might talk, he would never act.[1]

January. Windebank's overtures to the Dutch fishermen.

Charles's dealings with the Dutch were of a piece with his dealings with France and Spain. Early in the year, Windebank had been instructed to write to Boswell at the Hague, suggesting the probability that, if instead of negotiating with the State authorities, he should enter into communication with the fishermen themselves, they would all of them cheerfully and unanimously accept his Majesty's gracious offer of licences, and most willingly come under his protection. Boswell was to reinforce this reasoning by a judicious use of money, in gratuities and rewards to those that were 'most powerful and likely to make the greatest opposition among them.'[2] Boswell reported that the fishermen were not averse to the proposal, but that they wished to know how the King of England's licences were to protect them against the cruisers of the Cardinal Infant. If the Government at Brussels would acknowledge their sufficiency, the offer would be worth thinking of. The next best thing would be to induce the Cardinal Infant to support the King's licences with passports of his own, if it were only for the present season. It was unreasonable to ask them to depend merely on the protection of the English fleet. If Boswell would settle the matter for them, they would gladly place

[1] Message by Windebank to Oñate, April $\frac{3}{13}$; Philip IV. to Oñate, $\frac{\text{April } 30}{\text{May } 10}$, May $\frac{3}{13}$; Oñate's answer to Windebank, May $\frac{13}{23}$. Answer of the King, $\frac{\text{May } 23}{\text{June } 2}$; Oñate to Philip IV., $\frac{\text{May } 27,\ \text{May } 28}{\text{June } 6,\ \text{June } 7}$, *Simancas MSS.* 2521, 2575.

[2] Windebank to Boswell, Jan. (?), *S. P. Holland.*

1,000*l.* at his disposal.[1] After some further haggling, the sum was raised to 2,000*l.* With Charles's full approval the money was forwarded to Gerbier at Brussels, to use as he thought best in gaining over the Spanish authorities.

Gerbier was an adept at such intrigues. He bribed the mistress of the Cardinal Infant. He made pressing instances with the brother of the leading minister, President De Roose. He was successful even beyond his expectations. The Cardinal Infant was won to promise the passports which Gerbier had been instructed to demand. Then in the moment of triumph the cup was dashed from his lips. The old Marquis of Fuentes, who was the King of Spain's admiral in those seas, protested that he would pay no attention to any passports which did not come direct from Madrid. If the Cardinal Infant were to go down on his knees to him on behalf of the Dutch fishermen, he would not spare a single herring-boat. He repudiated the authority of the Brussels Government to send him such orders on such a subject.[2]

April. Negotiations at Brussels.

If this easy and pre-arranged triumph was not to be gained, it was hard to say what was to be done with the great ship-money fleet of which Northumberland once more took the command. Charles could not possibly know for some months to come whether he was to be at war or not, and there were no signs that either a French or a Spanish navy was inclined to test his pretensions in the Channel. It was not till the beginning of June that Northumberland joined the fleet. After convoying the Elector Palatine and Prince Rupert to Holland, he sailed down the Channel, to meet with nothing but a few poor fishermen between Dover and the Land's End. He himself felt bitterly the contrast between promise and performance. "No man," he wrote, "was ever

Northumberland's fleet.

[1] Boswell to Windebank, Feb. 28, *S. P. Holland.*

[2] Windebank to Boswell, March 27; Boswell to Gerbier, April 24; Boswell to Windebank, May 13, May 21; Windebank to Boswell, June 15, *S. P. Holland.* Gerbier to Windebank, April 22, 29; Gerbier to Boswell, May 9, *S. P. Flanders.*

more desirous of a change than I am to be quit of my being in a condition where I see I can neither do service nor gain credit."[1]

It would be well for Northumberland if he did not actually lose credit by his employment. When it was known that no passports would be granted at Brussels, Northumberland was ordered to make an attempt to induce the Dutch fishermen to take the licences without them. He was to send a merchant ship, lest the King's flag should be exposed to the disgrace of a refusal, as Charles, in the uncertain state of his relations with the continental powers, was unwilling to employ force.[2] Captain Fielding was accordingly despatched to the fishing boats, to offer them the King's protection against the Dunkirk privateers if they would only consent to take the licences.

July. Attempt to distribute fishing licences.

Fielding carried out his orders. He found six or seven hundred boats busy with the fishery off Buchan Ness. He found too, that they were guarded by twenty-three men of war of their own country. The Dutch admiral absolutely refused to allow him even to speak to a single fisherman.[3]

July 18. The licences refused.

The story of course got abroad. Windebank at once sent orders to the fleet to explain it away. By the King's special command he directed Northumberland to give out that Fielding had not been sent to offer licences at all. He was to say that the purpose of his mission had been to give notice to the fishermen 'of the forces prepared by the Dunkirkers to intercept them in their return, and to offer them his Majesty's protection, but no licences;' the story 'of the licences being to be cried down, and the other to be avowed and reported through the whole fleet. "To which purpose," continued Windebank, "your lordship is to instruct Captain Fielding, whom his Majesty understands to have been too free in spreading the former report, and therefore he is to be admonished to be more reserved hereafter in

The story to be contradicted.

[1] Northumberland to Roe, Aug. 6, *S. P. Dom.* ccclxv. 28.
[2] Windebank to Northumberland, July 3, 6, *ibid.* ccclxiii. 21, 41.
[3] Fielding to Windebank, July 24, *S. P. Dom.* ccclxiv. 45.

such great services, and in the meantime to make reparation by divulging this, and suppressing the former."[1]

This, then, was the king who was to free the English monarchy from the conditions and restraints of subjects.

Appearances of success.

Outwardly all might yet seem to be well with him. "Eight years," to use the words of that patient and diligent investigator whose labours have done so much to facilitate the task of the historian,[2] "had elapsed since a Parliament had been called together, and there seemed no reason to suppose that any person of the then present generation would ever hear 'that noise,' to use the language of Archbishop Laud, again. The King was in the prime of life, in excellent health, devoted to active exercise in the open air, happy in his domestic relations, attentive to business, and as attached to the new thorough principles of government as even Laud or Wentworth, or the most devoted of their adherents. Time and chance, of course, happen to all men, but so far as the King was concerned, there seemed no probability of any change for many years to come. The Queen's accouchement had added a fifth to the arrows in the royal quiver. Two sons and three daughters[3] set at defiance all ordinary chances in reference to the succession, and the likelihood seemed to be that long ere the father was called away, the eldest son, then in his seventh year, would be out of tutelage, and that, on his father's death, he would be fully competent to ascend the throne, and carry on the government according to what would then be regarded as the settled principles of the English constitution.

Nature of the government.

"The new mode of government was of that kind which is the simplest in the world. It was the English constitution with that which is supposed to give it its life and vigour—the Parliament—struck out. The Council took its place, and, with something like a show of following

[1] Windebank to Fogg, Aug. 10; Windebank to Northumberland, Aug. 10, *ibid.* cccIxv. 51, 53.

[2] Bruce, *Calendar of Domestic State Papers*, 1636-7. Preface, i.

[3] Charles, May 29, 1630; Mary, Nov. 4, 1631; James, Oct. 13, 1633; Elizabeth, Jan. 28, 1635; Anne, March 17, 1637.

former precedents, the Council really regulated all things according to its own notions of right and wrong. In cases of importance, or cases in which the question at issue affected the interests of the State, the King was always ready to give their sittings and determinations the sanction of his presence and authority, and . . . he was no silent member of what was then the only public deliberative body in matters of government. On the contrary, he held and controlled its decisions with a lofty regal peremptoriness which rebuked all doubt and negatived the possibility of opposition.

"There is in this respect a very great difference between the Charles of the first few years of his reign and the Charles of 1637. Under Buckingham, the favourite was everything; he governed alone; the King scarcely intermeddled with business, was seldom heard of in such matters, and still more seldom seen.[1] . . . Since Buckingham's death, King Charles had become well versed in business, was informed of whatever was going on, attended meetings even of committees, directed their decisions, and when not present, was consulted in all important matters. The Government was thus really and truly his, not by a complimentary official figment, but by actual interference with its management and direction."

Charles and his ministers.

That government was now, to all appearance, at its height of power. The declaration of the judges seemed to have given Charles for ever the legal possession of resources which placed him above all necessity of submitting his will to restraint. In reality that declaration was the signal of his decline. It flashed in the faces of his subjects the truth which in their enduring loyalty they had been slow to learn—the truth that their property, their rights and liberties had passed into the keeping of a single man. That man was not indeed uninfluenced by nobler aims. He wished his people to be happy and peaceful, above all to be orderly and virtuous

[1] I omit here "Laud, on the contrary, ruled the country through and by the King," because it implies that Laud bore sway in Civil affairs to a greater extent than he did. There were plainly other influences at work to which Charles succumbed as he did not in Buckingham's time.

under his sway. But he had neither intellectual insight nor force of character to enable him to carry out his ideal into practice. Ever, with him, large designs were followed by paltry performances; irritating interference with the habits and opinions of his subjects led to no result worthy of the effort. His was a government not of fierce tyranny, but of petty annoyance. It was becoming every year not more odious, but more contemptible. It inspired no one with respect, and very few with goodwill. In 1636 the silence of the crowds which witnessed the King's entry into Oxford had given evidence of the isolation in which he stood. In 1637 the shouts of anger and derision in Palace Yard and in the streets of Edinburgh were the precursors of change, the voices which ushered in the coming revolution.

CHAPTER LXXXIII.

THE RELIGIOUS OPPOSITION.

IN the summer of 1637 more than eight years had passed away since a Parliament had met at Westminster. During those years, in spite of threats of war which Charles had neither the nerve nor the means to carry out, peace had been maintained, and with the maintenance of peace the material prosperity of the country had been largely on the increase. The higher aspirations of the nation remained unsatisfied. England had been without a Government, in the best sense of the word, as truly as she had been without a Parliament. That pacification of hostile ecclesiastical parties which Charles had undertaken to bring about was farther off than when the doors closed upon the Commons after the last stormy meeting in 1629. The attempt to restore harmony to the Church by silencing Puritan doctrine, and by the revival of obsolete ceremonies, had only served to embitter still more that spirit of opposition which was bitter enough already. The enforced observance of rites enjoined by external authority had not as yet produced a temper of acquiescence. Yet it was in the firm belief that in this way alone could the spiritual welfare of the nation be promoted, that men like Laud and Wren were labouring against the stream which threatened to sweep them away. "The Fountain of holiness," wrote Wren, who as Bishop of Norwich found himself in charge of one of the most Puritan districts in England, "is the Holy Spirit, God blessed for ever. God the Holy Ghost breathes not but in his Holy Catholic Church. The Holy Church subsists not with-

1637. The result of eight years of Charles's rule.

Ecclesiastical difficulties.

Wren's view of the point at issue.

out the communion of saints—no communion with them without union among ourselves—that union impossible unless we preserve a uniformity for doctrine and a uniformity for discipline." [1]

Unity to be reached through uniformity.

What Laud and Wren were unable to perceive was that their attempt to reach unity through uniformity was a sign of weakness. They seized upon the bodies of men because they were unable to reach their hearts. Yet, as far as could be judged by the avowed ecclesiastical literature of the day, they were everywhere triumphant.

Ecclesiastical literature.

White and Dow, Heylyn and Shelford, poured forth quarto after quarto in defence of the festive character of the Lord's Day, or of the new position assigned to the communion-table. No writer who thought it sinful to shoot at the butts on Sunday or to kneel at the reception of the communion was permitted to make himself heard. Yet, as might have been expected, indignation found a vent. There were presses in Holland which would print anything sent to them; presses too in London itself which did their work in secret. The risk to which the authors of unlicensed books were exposed imparted acrimony

The unlicensed press.

[1] Wren to —— (?), May 27, *Tanner MSS.* lxviii. fol. 92. The following passage from the same letter shows how Wren was prepared to carry out his principles in detail:—"Here I must be bold to say plainly the breach of that unity and uniformity in the Church hath principally been caused . . . . by lectures and lecturers. . . . Now, therefore, for the advancing the holy discipline of the Church, and for preserving uniformity therein, I am resolved to let no man preach in any place where he is not also charged with the cure; thereby to put a straiter tie upon him to observe and justify the rites and ceremonies which the Church enjoineth; and I shall be very careful, if any man be found opposite or negligent in the one, without any more ado to render him unfit and unworthy of the other. For the preserving of unity of doctrine I dare promise myself nothing where the preacher shall be forced to suit his business to the fancy of his auditors, and to say nothing but what pleases them, at leastwise nothing that may displease them; and this needs he must do if his means have not some competency in it, and if a competency, then so much the worse if no certainty, but wholly depending on the will and pleasure of the hearers."

to their style. Many a pamphlet, sharp and stinging, passed rapidly and secretly from hand to hand. Laud found himself the object of fierce and angry vituperation. No misstatement was too gross, no charge too insulting, to be believed against a man who refused to his adversaries all chance of speaking in their own defence.

Laud knew no other course than to persist in the path which he had hitherto followed. The terrors of the Star Chamber and the High Commission must be evoked against the misleaders of opinion. Three pamphleteers—William Prynne, Henry Burton, and John Bastwick—were selected for punishment.

Laud resolves to suppress it.

Prynne's style of writing had not grown less bitter since his exposure in the pillory in 1634. Under the title of *A Divine Tragedy lately acted* he clandestinely printed a collection of examples of God's judgments upon Sabbath-breakers. He told of the sudden deaths of young men who had on that day amused themselves by ringing a peal of bells, and of young women who had enjoyed a dance on the same day. He went on to argue that this wickedness was but the natural fruit of the King's *Declaration of Sports*, and of other books which had been published by authority. He attributed a fresh outbreak of the plague to the special sin of Sabbath-breaking. In another pamphlet, called *News from Ipswich*, he directed a violent attack upon Bishop Wren, after which he proceeded to charge the bishops as a body with suppressing preaching in order to pave the way for the introduction of Popery. He called upon 'pious King Charles' to do justice on the whole episcopal order by which he had been robbed of the love of God and of his people, and which aimed at plucking the crown from his head, that they might 'set it on their own ambitious pates.'

1636. Prynne's *Divine Tragedy.*

News from Ipswich.

Burton was as outspoken as Prynne. On November 5, 1636, he preached two sermons which he afterwards published under the title of *For God and the King*. In these he attacked the tables turned into altars, the crucifixes set up, and the bowing towards the east, with a fierce relentlessness which was certain to tell on the

Burton's sermons *For God and the King.*

popular mind. The inference which would be widely drawn was that these innovations being the work of the bishops, the sooner their office was abolished the better it would be for the nation.

The inference at which Burton arrived was the starting-point of Bastwick. Born in Essex, and brought up, like so many Essex men, in the straitest principles of Puritanism, he had, after a short sojourn at Emmanuel College, the stronghold of Puritanism at Cambridge, left England to serve as a soldier, probably in the Dutch army.[1] He afterwards studied medicine at Padua, and returned home in 1623 to practise his profession at Colchester.

Bastwick's early life.

1633. His *Flagellum Pontificis.*

Ten years later he published his *Flagellum Pontificis* in Holland. It was an argument in favour of Presbyterianism. He was, in consequence, brought before the High Commission and sentenced to a fine of 1,000*l.*, to exclusion from the practice of medicine, and to an imprisonment which was to last till he saw fit to retract his opinions.[2]

1635. The sentence by the High Commission.

The *Flagellum Pontificis* was a staid production, unlikely to inflame the minds even of those who were able to read the Latin in which it was couched. Bastwick's next book was the *Apologeticus*, more fiery in its tone, but still shrouding its vehemence in Latin from the popular eye.[3] At last he flung off all restraint, and struck fiercely at his persecutors. *The Litany of John Bastwick* kept no quarter with the bishops. "From plague, pestilence, and famine," he prayed, "from bishops, priests, and deacons, good Lord, deliver us!" The prelates, he said, were the enemies of God and the King. They were the tail of the Beast. They had opened 'the very schools to ungodliness and unrighteousness, impiety and all manner of licentiousness.' The Church was 'as full of ceremonies as a dog is full of fleas.' "To speak the truth, such a multitude of trumperies and

The *Apologeticus.*

1637. The *Litany.*

[1] This is nowhere stated; but his constant use of the word "groll" as a term of reproach indicates familiarity with the Dutch language.

[2] Sentence, Feb. 12, 1635, *S. P. Dom.* cclxi. 178.

[3] Its first title is πράξεις τῶν ἐπισκόπων.

grollish[1] ceremonies are brought in by the prelates as all the substance of religion is thrust out." Churchwardens were ordered to inform 'about capping, ducking, standing, and kneeling,' as well as to accuse persons wandering from their own parishes in search of more palatable doctrine than was to be found at home, and persons who met in private for mutual edification and prayer. In Bastwick's eyes the ecclesiastical courts were altogether abominable. "I shall ever be of this opinion," he wrote, "that there is never a one of the prelates' courts but the wickedness of that alone and their vassals in it is able to bring a continual and perpetual plague upon the King's three dominions." All manner of wickedness was there vendible, so that if men would but open their purses 'remission of sins and absolution, with a free immunity from all dangers,' would be 'with facility granted them.' "Take notice," he wrote in conclusion, "so far am I from flying or fearing, as I resolve to make war against the Beast, and every limb of Antichrist, all the days of my life. . . . If I die in that battle, so much the sooner I shall be sent in a chariot of triumph to heaven ; and when I come there, I will, with those that are under the altar, cry, 'How long, Lord, holy and true, dost Thou not judge and avenge our blood upon them that dwell upon the earth?'"

On June 14 the three assailants of the bishops appeared before the Star Chamber to answer to a charge of libel. Even men who were attached to the existing system of government long remembered with bitterness the scene which followed. When Prynne took his place at the bar, Finch called upon the usher of the court to hold back the locks with which he had done his best to cover the scars left by the execution of his former sentence. "I had thought," said the Chief Justice with a sneer, "Mr. Prynne had no ears, but methinks he hath ears." The executioner had dealt mercifully with him three years before, and there was still a possibility of carrying out the sentence which Finch had made up his mind to inflict. The three cases were practically undefended. Burton's answer had been signed by his counsel,

June 14. The Star Chamber trials.

[1] Dutch, 'grollig,' foolish.

but was rejected by the court as irrelevant. The answers of the other two were so violent that no lawyer could be induced to sign them. The three accused persons said what they could, but in the place in which they stood nothing that they could say was likely to avail them. "There are some honourable lords in this court," said Bastwick, his old military instincts stirring strongly within him, "that have been forced out as combatants in a single duel.[1] It is between the prelates and us at this time as between two that have been appointed the field; the one, being a coward, goes to the magistrate, and by virtue of his authority disarms the other of his weapons, and gives him a bulrush, and then challenges him to fight. If this be not base cowardice, I know not what belongs to a soldier. This is the case between the prelates and us; they take away our weapons—our answers—by virtue of your authority, by which we should defend ourselves; and yet they bid us fight. My Lord, doth not this savour of a base, cowardly spirit? I know, my Lord, there is a decree gone forth—for my sentence was passed long ago—to cut off our ears."

The sentence was indeed a foregone conclusion. At Cottington's motion the three accused men were condemned to lose their ears, to be fined 5,000*l.* apiece, and to be imprisoned for the remainder of their lives in the Castles of Carnarvon, Launceston, and Lancaster, where, it was fondly hoped, no breath of Puritan sympathy would reach them more. Finch savagely added a wish that Prynne should be branded on the cheeks with the letters S. L., as a Seditious Libeller, and his suggestion was unanimously adopted.[2]

The sentence.

The speech which Laud delivered in court was long and argumentative.[3] The main charge which had been brought against him by the prisoners was that the ceremonies which he had enforced were innovations on established usage. His answer was in effect that they were not innovations on the established law. On many points of

Laud on his defence.

[1] The reference was to the Earl of Dorset, whose duel, when he was Sir E. Sackville, with Lord Bruce is well known.

[2] A brief relation, *Harl. Misc.* iv. 12.

[3] Laud to Wentworth, June 28, *Works*, vii. 355.

detail he had far the better of the argument. The removal of the communion-table to the east end he treated as a mere matter of convenience, for the sake of decency and order; and he quoted triumphantly an expression of the Calvinistic Bishop Davenant, "'Tis ignorance to think that the standing of the holy table there relishes of Popery." His own practice of bowing he defended. "For my own part," he said, "I take myself bound to worship with body as well as soul whenever I come where God is worshipped; and were this kingdom such as would allow no holy table standing in its proper place—and such places some there are—yet I would worship God when I came into His house." He flatly denied that he had compelled anyone to follow his example. "Yet," he said, "the Government is so moderate that no man is constrained, no man questioned, only religiously called upon—'Come, let us worship.'" True perhaps in the letter, this defence was not true in spirit. Even if those cathedrals and chapels, where the statutes inculcated the practice of bowing upon entrance, had been left out of sight, there was an almost irresistible influence exercised in favour of the general observance of the custom.

To the question of the King's jurisdiction in ecclesiastical matters Laud answered with equal firmness. One of the charges brought against the Archbishop was that he was undermining the Royal authority by laying claim to a Divine right for his own order. On this point the speech was most emphatic. "Though our office," Laud said, "be from God and Christ immediately, yet may we not exercise that power, either of order or jurisdiction, but as God hath appointed us; that is, not in his Majesty's or any Christian king's kingdoms but by and under the power of the King given us so to do." So pleased was Charles with the language of the Archbishop that he ordered the immediate publication of his speech. He also referred to the judges the question whether the bishops had infringed on his prerogative by issuing processes in their own names, and the judges unanimously decided that they had not.[1]

Question of episcopal jurisdiction.

July 1.

[1] *Rymer*, xx. 143, 156.

Whatever the judges might say they could not meet the rising feeling that the power of the Crown was being placed at the disposal of a single ecclesiastical party. Large numbers of Englishmen leapt to the conclusion that the object of that party was the restoration of the Papal authority. The three years which had just gone by—the years of the metropolitical visitation—had effected a great change in the temper of the nation. In 1634, as far as any evidence has reached us, Prynne had suffered uncheered by any sign of sympathy. There was no lack of sympathy now. As he stepped forth, with Burton and Bastwick by his side, on his way to the place where the sentence of the Star Chamber was to be carried out, he found the path strewed with herbs and flowers. Bastwick was the first to mount the scaffold. He was quickly followed by his wife. She kissed him on his ears and mouth. The crowd set up an admiring shout. "Farewell, my dearest," said her husband as she turned to descend, "be of good comfort; I am nothing dismayed."

June 30. Execution of the sentence of the Star Chamber.

For two hours the three stood pilloried, conversing freely with the bystanders. "The first occasion of my trouble," said Bastwick, "was by the prelates, for writing a book against the Pope, and the Pope of Canterbury said I wrote against him, and therefore questioned me; but if the presses were as open to us as formerly they have been, we should scatter his kingdom about his ears." Prynne characteristically employed his time in explaining that his sentence was not warranted by precedent. The real cause of his coming there, he said, was his refusal to acknowledge that the prelates held their office by Divine right. He was ready to argue the question against all comers, and, if he did not make his point good, to be 'hanged at the Hall Gate.' Once more the people shouted applaudingly. Burton followed, thanking God that he had enabled him thus to suffer. Even the rough men whose duty it was to superintend the execution were melted to pity, and sought to alleviate his suffering by placing a stone to ease the weight of the pillory on his neck. His wife sent him a message that 'she was more cheerful of' that 'day than of her wedding-day.' "Sir," called

out a woman in the crowd, "every Christian is not worthy of the honour which the Lord hath cast on you this day." "Alas!" replied Burton, "who is worthy of the least mercy? But it is His gracious favour and free gift to account us worthy in the behalf of Christ to suffer anything for His sake."[1]

At last the time arrived for sharper suffering. "After two hours," wrote a collector of news, "the hangman began to cut off the ears of Mr. Burton, and at the cutting of each ear there was such a roaring as if every one of them had at the same instant lost an ear." Bastwick, making use of his surgical knowledge, instructed the executioner how 'to cut off his ears quickly and very close, that he might come there no more.' "The hangman," wrote one who recorded the scene, "burnt Prynne in both the cheeks, and, as I hear, because he burnt one cheek with a letter the wrong way, he burnt that again; presently a surgeon clapped on a plaster to take out the fire. The hangman hewed off Prynne's ears very scurvily, which put him to much pain; and after he stood long in the pillory before his head could be got out, but that was a chance."[2] Amongst the crowd not all were on Prynne's side. "The humours of the people were various; some wept, some laughed, and some were very reserved." A story got about which, whether it were true or false, was certain to be eagerly credited, that 'a Popish fellow told some of those which wept that, if so be they would turn Catholics, they need fear none of this punishment.' On his way back to prison Prynne composed a Latin distich, in which he interpreted the S L which he now bore indelibly on his cheeks as *Stigmata Laudis*, the Scars of Laud.[3]

Laud's dissatisfaction.

Well might Laud come to the conclusion that his purposes were hindered rather than furthered by such an exhibition. "What say you," he wrote to Wentworth, "that Prynne and his fellows should be suffered to talk what

[1] *Harl. Misc.* iv. 19.

[2] Not 'a shame,' as printed by Mr. Bruce.

[3] Rossingham's News-Letter, July 6. *Documents relating to Prynne*, Camd. Soc. 86.

they pleased while they stood in the pillory?"[1] Even here his policy of the enforcement of silence had broken down The very executioners had turned against him.

The manifestation of popular feeling round the scaffold was repeated when the prisoners were led out of London to their far-distant dungeons. Of Bastwick's journey, indeed, no account has reached us. Prynne, as he passed along the Northern Road, was greeted with the loudest declarations of sympathy, which were at the same time declarations of hostility to Laud. At Barnet friendly hands prepared for him a dinner. At St. Alban's six or seven of the townsmen joined him at supper with hospitable greeting. At Coventry he was visited by one of the aldermen. At Chester he became an object of interest to the townsmen. When Burton left London by the Western Road, crowds joined in shouting 'God bless you!' as he passed with his gaolers.[2]

July 27. Prynne's triumphal progress.

July 28.

The conditions under which the three were imprisoned were hard enough. The use of pen and ink was strictly prohibited. No book was allowed to enter the cells of the prisoners except 'the Bible, the Book of Common Prayer, and such other canonical books as were consonant to the religion professed in the Church of England.' Anxious as the Privy Council was for the orthodoxy of the prisoners, it was still more anxious that no voice of theirs should again be heard to lead astray the silly sheep who were unable to distinguish between the false shepherds and the true. Launceston and Carnarvon and Lancaster were far enough removed from the centres of population, but the keepers reported that they were unable to make adequate provision for the isolation of their charges from the outer world. Fresh orders were therefore issued to transfer the prisoners to still more inaccessible strongholds, where their persuasive tongues might find no echo. Bastwick was to be immured in a fort in the Scilly Isles. Burton was to be confined in Cornet Castle in Guernsey, Prynne in

August. Conditions of imprisonment.

[1] Laud to Wentworth, Aug. 28, *Strafford Letters*, ii. 99.

[2] Examinations of Maynard and Ingram, Sept. 22, *S. P. Dom.* ccclxviii. 14.

Mont Orgueil in Jersey. The object of the Council was not that they should be separated from the world, but that the world should be separated from them. Burton and Bastwick were married men; and strict orders were given that their wives should not be allowed to land in the islands in which the prisoners were detained, lest they should 'be evil instruments to scatter abroad their dangerous opinions and designs.'[1]

The three men, victims to Laud's terror rather than to his hatred, were thus doomed, to all appearance, to a lifelong seclusion from mankind. Other voices took up their tale. Libels picked up in the streets charged the Archbishop with being the captain of the army of the devil in his war against the saints. A copy of the Star-Chamber decree was nailed to a board. Its corners were cut off as the ears of Laud's victims had been cut off at Westminster. A broad ink-mark was drawn round his own name. An inscription declared that "The man that puts the saints of God into a pillory of wood stands here in a pillory of ink."[2]

Libels against Laud.

Laud could but press on to the end in the path on which he had entered. The silence requisite for the success of his scheme must be enforced still more strictly. There must be no weak concession, no idle folding of the hands whilst the enemy was on the alert. The policy of 'Thorough' must take its course. As far as statute law was concerned, the English press was as free in the reign of Charles as it is in the reign of Victoria. It was muzzled by a decree of the Star Chamber, issued at the time when the throne of Elizabeth was assailed by bitter and unscrupulous attacks. That decree was now reinforced by another still more sharp. The number of printers authorised to carry on their trade in London was to be reduced to twenty. Even books formerly licensed were not to be republished without a fresh examination. Any man not of the number of the privileged twenty who ventured to print a book was 'to be set in the pillory and whipped through the City of London.'[3]

Stricter measures called for.

Star Chamber decree on the press.

[1] *Documents relating to Prynne*, Camd. Soc. 62–69.

[2] Laud to Wentworth, Aug. (?), *Works*, vii. 364.

[3] *Rushworth*, ii. 450, App. 306. Lambe's List of Printers, July, *S. P. Dom.* cccl.xiv. 111.

The appetite for unlicensed literature was too strong to be thus baulked. Clandestine presses continued to pour forth pamphlets, to be read by admiring and increasing crowds. Laud's attempt to silence his accusers only added fresh zest to the banquet of libel and invective. The decorous tones which issued from the licensed press to bewail the folly and ignorance of the times convinced none who were not convinced already.

Clandestine publications.

Under no circumstances was this system of repression likely to take permanent root in England. To have given it even a temporary chance of success it must have been applied fairly on the right hand as well as on the left. The Catholic must suffer as well as the Puritan.

Laud and the Catholics.

So much Laud clearly saw. He knew full well that the charge brought against him of complicity with the Church of Rome was entirely false; and as he could not prove his Protestantism by tenderness to the Puritans, the only way open to him to convince the world that he was not a secret emissary of the Pope was to persecute the members of the Papal Church. For some time, therefore, he had been pleading earnestly with the Council to take steps to limit the freedom of action recently enjoyed by the Catholics.

One invincible stumbling-block stood in Laud's way. Charles's support was not to be relied on for any persistent course of policy. With no imaginative insight into the condition of the world around him, he did not share in Laud's prognostications of evil. Puritanism was not to him a wolf held by the ears, but simply a troublesome and factious spirit which needed to be kept down by sharp discipline, but which was not likely to be really formidable. His fear of danger from the Catholics was even less than his fear of danger from the Puritans. To him they were merely well-disposed, gentlemanly persons with improper notions about some religious doctrines, and more especially with some theoretical objections to the Royal supremacy, which were not very likely to influence their practice. It never entered his head that familiarity with such pleasant companions was the most dangerous course which he could possibly pursue.

Charles and the Puritans.

Charles and the Catholics.

The King's friendly intercourse with Panzani had been continued with Con, the Scotchman who succeeded him as Papal Agent at the Queen's Court. Con dropped the subject of the reunion of the churches, which had now served its purpose; and if the negotiation for a modification of the oath of allegiance was still occasionally mentioned, it was more for the sake of appearance than from any expectation that it would be really possible to come to an understanding with the King on this subject. Charles was quite satisfied to find in Con a well-informed and respectful man, ready to discuss politics or theology without acrimony by the hour, and to flatter him with assurances of the loyalty of his Catholic subjects, without forgetting to point to the sad contrast exhibited by the stiff-necked and contemptuous Puritan.

Con in England.

Offence was taken at this unwise familiarity in quarters in which ordinary Puritanism met with but little sympathy. At the festival of the Knights of the Garter the brilliant assembly was kept waiting for the commencement of the service in the Royal Chapel till the King had finished exhibiting his pictures to the representative of the Pope. On another occasion, when the Court was assembled to witness the leave-taking of the French ambassador, Seneterre, the Privy Councillors occupied their accustomed positions at the King's right hand, Laud, in virtue of his archbishopric, standing next to the throne. The Queen was on Charles's left, and next to her was Con. "Now," said a lady of the Court to the Scottish priest, "there is only a step between the archbishop and you. Shake hands and agree together." "Our Lord," answered Con significantly, "stands with his arms open to receive all men into the bosom of the Holy Church."[1]

April. Con at Court.

July.

Panzani had striven in vain to win Charles to more than well-bred friendliness. Con turned his attention to the Queen. It had never hitherto been possible to rouse her to more than spasmodic efforts even on behalf of the Catholics. Averse to sustained exertion, and inter-

The Queen and the Catholics.

[1] Con to Barberini, $\frac{\text{April } 21}{\text{May } 1}$, July $\frac{7}{17}$, *Add. MSS.* 15,390, fol. 246, 346.

vening only from some personal interest or momentary pique, she had contented herself with the consciousness that the persecution under which the Catholics suffered had been gradually relaxed. Con wished to make her an active agent in the propagation of the faith, and he was seconded by Walter Montague, who had been recently allowed to return to England, though he was received more warmly at Somerset House than at Whitehall.[1] Between them they succeeded in securing the support of the Queen for that work of individual proselytism which was to supersede Panzani's fantastic scheme for the absorption of the Church of England. It is true that in the actual work of gaining converts Henrietta Maria took but little part; but she showed a warm interest in the process, and she prided herself in protecting the converts made by others. It was her part to win from her fond husband, by arguments, by prayers, if need be by tears, their release from the consequences of a too open violation of the harsh laws which still held their place on the statute-book, and which were supported by a widely diffused public opinion. At one time she was closeted every morning with Con in eager consultation over the best means of swaying Charles's mind in favour of the Catholics.[2]

The protection of the Queen was invaluable to Con. For

[1] The following sketch by Con of his first impressions of the Queen's conduct is interesting:—"Le attioni di S. M^tà. sono piene d'incredibile innocenza, à tale che in presenza di forastieri si vergogna come zitella. Il Padre Filippo assevera che non ha peccato se non di omissione, di quali egli è nemico grande, e non perdona alli corrotti di cuore. In fede ò peccato di carne non è mai tentata. Quando si confessa, e si communica, applica tanto che fa stupir il confessore e tutti. Nelle sue camere di letto nessuno puo entrare se non donne, con le quali si ritira qualche volta et attende a cose leggiere, ma innocenti. Patisce qualche volta di malinconia, et allora ama il silenzio. Quando sta afflitta ricorre con spirito a Dio. Al futuro applica poco, confidata tutta nel Rè. Bisogna che prema più di guadagnare li Ministri dello stato, de quali puo esser padrona volendo. A' questo et altro servirà la presenza del Montagu, da me sollecitata grandemente." Con to Barberini, Aug. $\frac{25}{25}$, 1636, *R. O. Transcripts.*

[2] Con to Barberini, $\frac{\text{March } 30}{\text{April } 9}$, 1637, *Add. MSS.* 15,390, fol. 213.

active energy he looked elsewhere. The soul of the proselytising movement was Mrs. Porter, the wife of that Endymion Porter who had been employed in so many secret missions by James and Charles. By her mother she was a niece of Buckingham, and she had inherited the quick decision and the prompt impetuosity of the splendid favourite. One day she heard that her father, Lord Boteler, was seriously ill. At once she drove down to his country seat, hurried the old man into her coach, and carried him up to London. She then brought the priests around him, and was able, before he died, to boast of him as a convert. Her triumph was the greater because her Protestant sister, Lady Newport, had also driven off to secure the sick man, and had arrived at his house too late.

Mrs. Porter's converts.

March. Lord Boteler.

The next object of Mrs. Porter's attack was the Marchioness of Hamilton, like herself, one of Buckingham's nieces. Lady Hamilton's bright beauty had not long since been the theme of admiring tongues, which had celebrated her gentleness of heart as equal to the attractions of her person. She was now fading away under that wasting disease which carried her off a few months later. In this condition she was peculiarly susceptible to religious impressions, and she was plied with controversial books till she was almost ready to surrender. Her father, Lord Denbigh, 'a Puritan ass,' as Con contemptuously called him, summoned the Bishop of Carlisle to his assistance. The old argument that there was no safety in the next world for those who died outside the pale of the Roman Church was plentifully used. The bishop replied that if the lady remained a Protestant he would be ready to pledge his soul for her salvation.[1] "It will profit you little, my sister," sneered Mrs. Porter, "that this old man's soul should keep company with yours in the Devil's house." Lady Hamilton's conversion, however, was never openly avowed, either because, as Mrs. Porter fancied, she shrank from giving pain to her relations, or because, as is more probable, the influences of her old faith were still living in her heart, and made themselves

Lady Hamilton.

October

[1] 'Che metterà là sua anima per quella di lei.'

heard as soon as she was removed from the overpowering presence of her impetuous cousin.[1]

Other converts, ladies for the most part, followed in no inconsiderable numbers. At last the world was startled by the news that even Lady Newport had announced herself a Catholic. In an unguarded moment she had undertaken the part of a champion of Protestantism, for which neither her temperament nor her knowledge fitted her. Once engaged in argument with the priests, she was beaten from point to point till she laid down her arms. Her husband, the eldest son of the adulterous union between the Earl of Devonshire and Lady Rich, and thus the half-brother of Warwick and Holland, was high in Charles's favour. As Master of the Ordnance he held an important post in the service of the State. A Protestant by position and from a sense of honour rather than from a closely reasoned conviction, he felt his wife's change of religion as a slur upon his own good name. Hurrying to Lambeth, he adjured Laud to punish the instruments of his misfortune. Together with Con he named Walter Montague and Sir Toby Matthew, though it would seem that the two latter had no part in the affair. Laud was eager enough to do as Newport wished. On the next council-day he spoke his mind freely on the unusual favours accorded to the Catholics, and begged the King to forbid Montague's access to Court, and to allow proceedings to be taken against him in the High Commission. He knew well that he would himself be held accountable for these defections from the English Church. This time it seemed as if he would have his way. Charles expressed his displeasure at what had occurred, and declared his intention of providing a remedy. Laud, however, had counted without the Queen. Con had urged her to stand up stoutly for her religion. When once Henrietta Maria was really interested in a cause, difficulty and danger only produced on her an exhilarating effect. The language held by Laud in the Council was reported to her almost immediately

Lady Newport.

Lord Newport appeals to Laud.

Oct. 22. Laud's speech at the Council.

Con applies to the Queen.

[1] Con to Barberini, Oct. $\frac{12}{23}$, *Add. MSS.* 15,390, fol 453

In the evening, when the King visited her in her apartments, she spoke her mind freely to him of the insolence of the Archbishop. Charles could not make up his mind to fly in his wife's face. "I doubt not," wrote Laud to Wentworth, after recounting what had taken place, "but I have enemies enough to make use of this. But, howsoever, I must bear it, and get out of the briars as I can. Indeed, my lord, I have a very hard task, and God, I beseech him, make me good corn, for I am between two great factions, very like corn between two mill-stones."[1]

Laud's appeal to the King.

In his distress Laud appealed to the King. Charles recommended him to seek out the Queen. "You will find my wife reasonable," he said. He did not see that his wife had made herself the centre of the opposition of which Laud complained. The Archbishop replied by proposing in full Council that her chapel at Somerset House, as well as the chapels of the ambassadors, should be closed against the entrance of English subjects. His proposal received warm support, and orders were given for the preparation of a proclamation against the Catholics.

The Queen's displeasure.

Con was warned of what had happened by his friends in the Council, and the Queen was warned by Con. Henrietta Maria took up the quarrel so warmly that Con besought her to moderate her excitement. She felt that in defending the liberty of her chapel she was warding off insult from herself.

November. Threatened proclamation kept back by Con and the Queen.

Charles tried to effect a compromise with his wife. He would leave Somerset House alone; but he insisted that something must be done with the chapels of the ambassadors. Oñate, the Spanish Ambassador, who since his arrival in England had been making himself as disagreeable as he possibly could, had lately given offence by announcing that he would build a larger chapel than the Queen herself could boast of. A proclamation therefore there must be. Charles, however, did his

November.

[1] Con to Barberini, Oct. $\frac{20}{30}$, *Add. MSS.* 15,390, fol. 461. Laud's Diary, Oct. 22. Laud to Wentworth, Nov. 1, *Works*, iii. 229, vii. 378. Garrard to Wentworth, Nov. 9, *Strafford Letters*, ii. 128.

best to explain it away. "This sort of thing," he assured Con, "is done every year. No one would say a word against it if you would let my wife alone." Con had no intention of letting her alone. Her new position of protectress of her Church in England flattered her vanity. Her chapel was thronged with worshippers. The Holy Sacrament was on the altar till noon, to satisfy the devotion of the multitude of communicants. On festivals nine masses were celebrated in the course of the morning. The Queen strove hard to induce the King to refrain from issuing any proclamation at all. It was a struggle for influence between her and Laud, and she threw herself into it with all the energy of which she was capable. To his astonishment, Con found himself growing in favour even with men who were known as Puritans, as soon as he measured his strength with the man whom they most abhorred. He at least, they said, professed his belief openly, which was more than could be said of Laud.[1]

All through the month of November the struggle lasted. It was not till December that Con learnt that orders had been secretly given for the issue of the proclamation. He again begged Charles to withdraw it, and Charles answered that it was merely directed against the scandal given by indiscreet Catholics. "With your good leave," he said, "I wish to show that I am of the religion which I profess. . . . Everyone ought to know that the quiet which the Catholics enjoy is derived from my clemency. It is necessary to remind them that they live in England, not in Rome." Con tried to irritate him against Laud. He replied that he was following the advice of the whole Council, not that of Laud alone. The proclamation, he added, would be moderate enough. In fact, as Con afterwards learnt, Charles had promised his wife to omit anything to which she might take exception. So complete was the Queen's triumph that she even consented to admit Laud to her presence, and to extend to him some qualified tokens of her favour.[2]

December.

[1] Con to Barberini, Nov. $\frac{3, 10}{13, 20}$, *Add. MSS.* 15,390, fol. 469, 476.

[2] Ibid. Dec. $\frac{8}{18}$, *ibid.* fol. 498. Laud's Diary, Dec. 12, *Works*, iii. 230.

Thus manipulated, the proclamation was at last issued on December 20. In its final shape it could hardly give offence to anyone. Even Con described it as 'so mild as to seem rather a paternal admonition to the Catholics than a menace.' The Puritans, he added, were of the same opinion. In fact, it contained nothing more than a threat that those who persisted in withdrawing his Majesty's subjects from the Church of England would do so 'under pain of the several punishments' provided by the law, and that all who gave scandal by the celebration of masses would be punished according to their offence. No definition was given of the amount of notoriety which was to constitute scandal.[1]

Dec. 20 Issue of the proclamation.

Gentle as the admonition was, Henrietta Maria could not resist the temptation to treat it with contempt. On Christmas Day, by her special orders, Lady Newport and the other recent converts were marshalled to receive the communion in a body at Somerset House. As soon as the Queen returned to her apartments she called Con to her side. "You have now seen," she said to him triumphantly, "what has come of the proclamation."[2]

Dec. 25. The mass at the Queen's chapel.

The Queen's open defiance of the proclamation gave the tone to every priest in England. Never were masses more publicly celebrated in the ambassadors' chapels, or with less concealment in the houses of the Catholic laity. "Before you came," said Lady Arundel to Con, "I would not for a million have entertained a priest at my table, and now you see how common a thing it is." The proclamation, in fact, had been merely wrung from Charles by Laud's insistance, supported by the special annoyance caused by the bravado of the Spanish Ambassador. He was too sure of his own position, too blind to the real dangers by which it was surrounded, to sympathise with Laud's perception of the risk which he would incur by holding the balance uneven between the Puritans and the Catholics. "The Archbishop,"

The proclamation defeated.

1638. June.

[1] Proclamation, Dec. 20, *Rymer*, xx. 180.

[2] Con to Barberini, $\frac{\text{Dec. } 29}{\text{Jan. } 8}$, *Add. MSS.* 15,391, fol. 1.

he said to Con, "is a very honest man, but he wants to have everything his own way." [1]

There is no reason to regret that Laud did not in this case have his way. The danger from Rome was less serious than it seemed. The bait held out by the Papal clergy appealed to the lower and more selfish side of human nature. Fantastic speculators like Sir Kenelm Digby, witty intriguers like Walter Montague, brought no real strength to the cause which they espoused; whilst the gay Court ladies, whose life had hitherto been passed in a round of amusement, were personally the better by submitting to a sterner discipline than any which they had hitherto known. The arguments by which they had been moved appealed to motives too low to exercise any attractive force over the real leaders of the age, or to be otherwise than repulsive to the sense of honour which was the common property of English gentlemen.

Amount of danger.

Even such a man, for instance, as William Cavendish, Earl of Newcastle, was entirely beyond the reach of Con. In the summer of 1638 he was selected by Charles to be the governor of his eldest son. "He was a fine gentleman," wrote Clarendon, who knew him well; "active and full of courage, and most accomplished in those qualities of horsemanship, dancing, and fencing which accompany a good breeding, in which his delight was. Besides that, he was amorous in poetry and music, to which he indulged the greatest part of his time. . . . He loved monarchy, as it was the foundation of his own greatness; and the Church, as it was constituted for the splendour and security of the Crown; and religion, as

The Earl of Newcastle.

[1] Con to Barberini, June $\frac{1}{11}$, July $\frac{13}{23}$, 1638, *Add. MSS.* fol. 164, 204. Laud's bewilderment at the charge brought against him of being secretly a Roman Catholic is well expressed by some words which he made use of nearly two years previously. "Because," he said, "he strove to maintain the old orders of the Church, the common people, who were enemies to all order and government, proclaimed him a Papist; but (if he had been one) he had had reason enough—besides his ill-usage he had when he had no friend at Court but the King—to have left the Church and have gone beyond seas" Charles Lewis to Elizabeth, May 31, 1636, *Forster MSS.* in the South Kensington Museum.

it cherished and maintained that order and obedience that was necessary to both, without any other passion for the particular opinions which were grown up in it and distinguished it into parties, than as he detested whatsoever was like to disturb the public peace."[1] Con's report of Newcastle tallies almost exactly with that of the English historian. "In matters of religion," he wrote, "the Earl is too indifferent. He hates the Puritans, he laughs at the Protestants, and has little confidence in the Catholics. In speaking with him, therefore, I have been obliged to touch upon first principles, and to bring him to the axiom that in things doubtful the safer part is to be chosen."[2] It was to no purpose that the temptation was held out to a man like Newcastle. His careless, worldly temper gave as little hold to Con as the higher virtue of a nobler nature.

English feeling about the Catholic conversions.

Enough was, however, done to alarm the English Protestants. The charge, indeed, which a later age has to bring against Charles is not that he abstained from persecuting the Catholics, but that he failed to give fair play to the diverse elements of which the English Church was compounded. Whilst Catholic books passed from hand to hand, Puritanism was an object of derision to all who took their tone from Whitehall, and of stern repression in the ecclesiastical courts. Men who had no sympathy with Calvinistic dogmatism were attracted by that stern morality which rebuked the solemn trifling which was the atmosphere of Charles's Court.

Milton's *Lycidas*.

To the growing feeling of dissatisfaction Milton gave expression in that high satire which bursts forth, as if from some suddenly raised volcano, out of the smooth and graceful lamentations of the *Lycidas*. Nothing in Milton's past life gave warning of the intensity of his scorn Nothing in the subject which he had chosen invited him to check the flow of his private grief that he might bewail the public sorrows of his time. Yet from these public sorrows he could not avert his gaze. As it had been with Dante, the poet of medieval

[1] *Clarendon*, viii. 82.

[2] Con to Barberini, Sept. $\frac{7}{17}$, *Add. MSS.* 15,391, fol. 235.

Catholicism, so was it with the man who was training himself to be one day the poet of English Puritanism. Not alone the living interest in the joys and sorrows of the great world around him, but even the mere official acquaintance with the dry details of that public business, by means of which rulers attempt, if they rise at all to the height of their duty, to increase those joys and to alleviate those sorrows, were in time to strengthen the Englishman, as they had strengthened the great Italian, to seek for consolation in a serener and purer atmosphere than that in which the best and wisest of statesmen must be content to work. Milton had not as yet had any close insight into the difficulties of government. He saw the evil; he could not descry the hindrances to good. Before the eye of his imagination rose the Apostle Peter, mournfully addressing the dead Lycidas, lost too early to earthly service. The indignant poet cannot choose but tell how 'the pilot of the Galilean lake'

> Shook his mitred locks, and stern bespake,
> "How well would I have spared for thee, young swain,
> Enow of such as for their bellies' sake
> Creep and intrude, and climb into the fold!
> Of other care they little reckoning make,
> Than how to scramble at the shearers' feast
> And shove away the worthy bidden guest.
> Blind mouths! that scarce themselves know how to hold
> A sheep-hook, or have learnt aught else the least
> That to the faithful herdsman's art belongs,
> What recks it them? What need they? They are sped,
> And when they list their lean and flashy songs
> Grate on their scrannel pipes of wretched straw.
> The hungry sheep look up and are not fed,
> But swoln with wind, and the rank mist they draw
> Rot inwardly, and foul contagion spread,
> Besides what the grim wolf with privy paw
> Daily devours apace and nothing said."

Milton's indignation was not as the indignation of Prynne or Bastwick. He did not approach the Church question from the ceremonial side. He did not as yet care to ask whether the Church ought to be Episcopalian or Presbyterian. There is still a touch of the poet of *Il Penseroso* and of the *Elegy on Bishop Andrewes* in the

Character of Milton's indignation.

'mitred locks' of Peter. He is kindled to wrath by the moral results of Laud's discipline—results which he doubtless exaggerated, but which were certainly not entirely imaginary. He saw that, whether Laud was consciously tending towards the Roman Church or not, his superabundant care for the externals of religion was eating the heart out of English Protestantism. It invited the allegiance of men to whom nothing was easier than to assume a posture or to clothe themselves in a vestment. It repelled the allegiance of men who saw in that posture or that vestment a token of the subordination to external forms of the spiritual life itself.

Milton did more than denounce the system which he hated so thoroughly. He predicted its speedy overthrow. He announced that

> That two-handed engine at the door
> Stands ready to smite once and smite no more.

The prophecy was doubtless intentionally left in vague and mysterious outline, but its general intention was unmistakable.[1]

Milton's voice expressed the deepest feelings of the nation. Slowly and reluctantly the generation of serious Englishmen now advancing towards middle age was coming to the conclusion that the overthrow of the Laudian system was the one thing necessary for the restoration of a healthy spiritual life. The feeling was all the stronger

1638. John Hutchinson.

[1] It is impossible to be dogmatical on the precise meaning of the words, but the interpretation of its referring to the two Houses of Parliament cannot be right. Not only was an impeaching Parliament out of the range of probability in 1637, but the engine was to be held by two hands, not to be two engines held by one. The idea of the axe laid to the root of the tree seems most natural. Professor Masson says (*Milton's Works*, iii. 455) that the engine here 'is at the door of an edifice, not at the root of a tree.' Milton, however, may have meant to mingle the idea of smiting the system with the idea of smiting the persons who supported it. He may not have wished to be too definite, and the expression 'blind mouths' shows that we must not look for rigid consistency. Perhaps, too, he was thinking in an indistinct way of the iron flail with which Talus stormed the castle of the Lady Munera, and wished to intensify the crushing nature of the blow by turning the one-handed weapon of Spenser into a two-handed engine.

because all moral earnestness was repelled by the loose follies of the Court. The growth of this feeling may be traced in the career of John Hutchinson, whose character has been portrayed by his widow, under the mellowing light of wifely affection. He was educated at Peter House, the college of Cosin and Crashaw, the college which, more than any other, attempted to exorcise the spirit of Puritanism. Yet he was able to boast that, after five years, he came away untainted with the principles or practices of the followers of Laud. On the other hand, he did not come away with any confirmed dislike of the Church in which those principles and practices had taken root. He was 'not yet enlightened to discern the spring of them in the rites and usages of the English Church.' His was the Puritanism of the polished and practical country gentleman, versed from his youth up in the conduct of business, and accustomed to conduct it with a strict but not ungraceful morality, which left room for the ornaments and enjoyments of life. At college 'he kept not company with any of the vain young persons, but with the graver men and those by whose conversation he might gain improvement. . . . For his exercise he practised tennis, and played admirably well at it; for his diversion he chose music, and got a very good hand, which afterwards he improved to a very good mastery on the viol.' He danced and vaulted with grace and agility, studied eagerly, learning being regarded by him 'as a handmaid to devotion and as a great improver of natural reason.' His choice of the decorations of life was made under a sense of serious self-restraint. "In those things that were of mere pleasure he loved not to aim at that he could not attain; he would rather wear clothes absolutely plain than pretend to gallantry, and would rather choose to have none than mean jewels or pictures and such other things as were not of absolute necessity. . . . His whole life was the rule of temperance in meat, drink, apparel, pleasure, and all those things that may be lawfully enjoyed, and herein his temperance was more excellent than in others, in whom it is not so much a virtue, but proceeds from want of appetite or gust of pleasure; in him it was a true, wise, and religious government of the desire and delight he took in the things that he enjoyed. He

had a certain activity of spirit which could never endure idleness either in himself or others, and that made him eager for the time he indulged it, as well in pleasure as in business; indeed, though in youth he exercised innocent sports a little while, yet afterwards his business was his pleasure. But how intent soever he were in anything, how much soever it delighted him, he could freely and easily cast it away when God called him to something else. He had as much modesty as could consist with a true virtuous assurance, and hated an impudent person. Neither in youth nor in riper age could the most fair or enticing women ever draw him into unnecessary familiarity or vain converse or dalliance with them, yet he despised nothing of the female sex but their follies and vanities; wise and virtuous women he loved, and delighted in all pure, holy, and unblamable conversation with them, but so as never to excite scandal or temptation. Scurrilous discourse even among men he abhorred; and though he sometimes took pleasure in wit and mirth, yet that which was mixed with impurity he never would endure. The heat of his youth a little inclined him to the passion of anger, and the goodness of his nature to those of love and grief; but reason was never dethroned by them, but continued governor and moderator of his soul."

Hutchinson a type of the noblest Puritanism.

Such was the character—for Hutchinson was but a type of a large section of society—of the noblest class of English Puritans, of men who possessed their souls in patience, uttering no cry of scorn or anger. It was the steady and persistent refusal of these men to countenance the Court and its ways which made the opposition of such as Prynne and Bastwick really formidable, and which gave weight to the forlorn hopes which from time to time dashed themselves apparently in vain, against the defences of the Government.

1637. December. Lilburne's case.

Of such forlorn hopes there were enough and to spare. In the winter of 1637 it was the turn of John Lilburne, a youth of twenty, who had just returned from Holland. A certain Chillington, accused of circulating Puritan books printed beyond the sea, saved himself by charging Lilburne with having them printed at Rotterdam.

Lilburne was arrested and interrogated, but he absolutely denied that he had had anything to do with Chillington's books. When asked questions on more general matters, he refused to answer. No one, he said, had a right to make him criminate either himself or others. He was brought before the Star Chamber, and ordered to take the usual oath that he would answer truly to all questions that might be put to him. This he steadily refused to do. He came of a sturdy and self-willed race. His father was a Yorkshire gentleman, who was the last man in England to compel the unwilling judges to allow him to commit a lawsuit to the chances of trial by battle.[1] Of this opinionativeness he had inherited his full share. In the course of a stirring life he was never in accord with any Government, and never missed an opportunity of making known to the world the grievances which he entertained against every Government. The claim which he now made went far beyond the doctrine ultimately accepted by English Courts that no man may be compelled to criminate himself. He refused to swear to answer truly to any questions of which he did not at the time of his oath know the import—a claim which, if admitted, would make it impossible to cross-examine any witness whatever. Like all the courts, the Star Chamber was peculiarly sensitive to any attack upon its rules, and especially upon the system under which, for so many years, it had been in the habit of procuring evidence from unwilling witnesses. Lilburne was accordingly sentenced to be whipped from the Fleet to Palace Yard, and then to be placed in the pillory. All along the Strand the lash descended on his back. Smarting with pain, he was placed in the pillory. In spite of his agony he exhorted the bystanders to resist the tyranny of the bishops, and scattered amongst them a few copies of Bastwick's pamphlets which he had in his pockets. The Court of Star Chamber was in session hard by, and an angry order to gag him was issued at once. Another order directed the Warden of the Fleet to place him in irons on his return, and to keep him in solitary confinement

His sentence is carried out.

His harsh imprisonment.

[1] The King, however, refused to allow the combat to proceed. The case in 1818 did not proceed so far, as the demand was withdrawn.

'where the basest and meanest sort of prisoners are used to be put,' to prohibit his friends from visiting him or supplying him with money. But for the persistent contrivance of his admirers Lilburne would have been starved to death. The Warden held that it was no part of his duty to supply the prisoners with food. Those who had no money were accustomed to beg their food from the charitable who passed the door; but Lilburne was debarred even from that wretched resource. The other prisoners, half-starved and ragged as they were, entered into a conspiracy in his favour. They shared their crusts and broken victuals with him, in spite of blows and kicks from the turnkeys. Sometimes this precarious aid failed, and on one occasion the unfortunate man passed ten whole days without tasting food. Yet, broken in health as he could not fail to be, his indomitable spirit held up, and he survived to unfold the horrors of his prison house to sympathising ears.[1]

Laud too easily frightened.

It is the nature of a government like that of Laud to be too readily terrified to take advantage of the real strength of its position. Englishmen had not so changed since the days of Elizabeth as to be anxious to deliver themselves over to be manipulated by a Prynne or a Bastwick, or even by a Milton or a Hutchinson. There were many thousands who still regarded with reverent admiration the old Prayer Book, which they had learned to love as children. There were probably many more thousands who had no wish to see cakes and ale banished from life. The most popular verse-writer of the day was George Wither, and Wither was neither a Laudian nor a Puritan. Endowed with considerable poetic gifts, he had unfortunately mistaken his vocation in life. He had given up writing good songs in order to write bad satire. He derided alike new practices and abstruse doctrines. His view of government was the simple one that kings ought not to be tyrannical, and that parliaments ought not to be exacting. People were to be content with the rule in Church and State under which they were born, provided that it made no very violent demands upon

George Wither.

[1] *State Trials*, iii. 1315.

their consciences, and provided that they could attain under it to a placid and decorous virtue. Of this virtue, as far as can be judged by Wither's own example, the chief constituent was to be found in a self-complacent recognition of the extreme sinfulness of others and an equally self-complacent assurance that this sinfulness of others was certain to bring Divine vengence down upon the world.[1]

Men of this temper—and there can be little doubt that the middle classes of the towns were very much of this temper—would have formed the best security that a Government could have wished against Puritan violence. Laud's proceedings irritated them in every possible way, till they forgot that Puritanism could be irritating at all.

The only man who was fitted by his mental qualities for the task of mediation in the dark days which were approaching was unhappily disqualified for the work by his own moral defects as well as by the King's dislike. Bishop Williams had been for many years an object of a Star Chamber prosecution, on the ground that he had betrayed some secrets entrusted to him as a Privy Councillor. The charge seems to have been a frivolous one, and it was probably only brought in order to frighten Williams into the surrender of the Deanery of Westminster, which he still held, together with his bishopric. In 1633 the affair took an unexpected turn. A certain Kilvert, to whom the case against the Bishop had been entrusted, and who was himself a man of low moral character, discovered that one of Williams's witnesses, named Pregion, was the father of an illegitimate child, and he fancied that by attacking Pregion on this score he might succeed in discrediting his evidence in the Bishop's favour.

Position of Bishop Williams.

1628. Star Chamber prosecution against him.

1633. Charge against Pregion.

Williams threw himself into the cause of his witness with characteristic ardour. It is possible that at first he may have

[1] See especially *Britain's Remembrancer*, published in 1628. The idea of the subject of predestination being one for the devils in hell to discuss appears here long before *Paradise Lost* was written.

regarded Kilvert's story as an impudent fabrication, but he can hardly have retained that opinion long; and there can be little doubt that he demeaned himself to the subornation of false evidence in order to uphold the character of a man whose support he needed in his own quarrel with the Court.[1]

1634. Williams obtains false evidence.

A fresh prosecution of Williams on the charge of subornation of perjury was now commenced in the Star Chamber. Williams saw his danger, and asked Laud to be his mediator with the King.[2] He could hardly have expected Laud to throw much warmth into his mediation, and he turned with greater hope to Portland, and after Portland's death to Cottington. Cottington was importunate, and Charles was weak. Before the end of 1635 the King had promised to pardon the Bishop. The only question related to the rate at which the pardon was to be purchased. "Thus much," wrote Laud in despair, "can money and friends do against honour in movable Courts."[3]

1635. Fresh prosecution of Williams.

November. He has hopes of a pardon.

Suddenly Williams found the barque of his fortunes drifting out again to sea. Fresh evidence of his misdemeanours reached the King's ears,[4] and Charles withdrew his promise of a pardon. A few months later the King was again hesitating. Sir John Monson, who had been maligned by Williams, and by whom the new accusations had been brought, was informed that Williams had been boasting that he was now reconciled to the King, and that those who appeared against him had better be careful of

December. Charles's hesitation.

1636.

[1] Notes of proceedings, May 27, June 16, 23, 1637, *S. P. Dom.* cccl vii. 104; cccl xi. 99; cccl xii. 34. Hacket's narrative is too inaccurate to be accepted as a firm foundation. I have drawn my own conclusions from the evidence produced at the trial. Mr. Bruce appears, from his preface to the Calendar for 1637, to have come to much the same conclusion as I have.

[2] Laud to Williams, Jan. 10, 1635, *Works*, vi. 402.

[3] Laud to Wentworth, Jan. 12, Oct. 4, Nov. 30, *ibid.* vi. 138, 171, 202.

[4] Lambe to Laud, Dec. 3, 10; Monson to Laud, Dec. 11; Monson's petition, *Lambeth MSS.* mxxx. Nos. 39, 40, 41, 42.

attacking a man who would soon be in full enjoyment of the Royal favour. Monson asked Charles if there was any foundation for this assertion. "The King," he afterwards informed Laud, "answered he would be free with me, and thereupon said it was true that he was in some treaty with the Bishop, who had enlarged his offers, and was now willing to yield his deanery, give 8,000*l.*, and leave me to my course in law for my repair, but that he had not given him any assurance of his acceptance of these terms, nor would if my information were truth." Williams only looked upon his present rebuff as a mischance originating from his neglect to offer a bribe sufficiently high. He soon gained over Lennox as well as Cottington to his side, and, unless Monson was misinformed, he assured the courtiers who were pleading his cause that whatever the sum might be which he was required to pay to the King, they should have as much again to divide amongst themselves. Monson took care that this should reach the King's ears, advising him to make a better bargain by allowing the law to take its course, and by taking all the money that could be got from Williams for himself. In the end this reasoning prevailed.[1] The whole negotiation did no credit to Charles. The lower side of Wentworth's 'Thorough' was perfectly intelligible to him. The higher side he was unable to comprehend.

Stung by his failure to bribe his way to impunity, Williams threw himself once more into ecclesiastical controversy. A book recently published by Laud's chaplain, Heylyn, *A Coal from the Altar*, had contained an attack upon Williams's well-known views about the position of the communion-table. To this he replied anonymously in *The Holy Table, Name and Thing*.[2] The authorship of the book was an open secret. It was one long argument in favour of that compromise which Williams had recommended from the beginning as the only legal arrangement; the compromise

November. *The Holy Table, Name and Thing.*

[1] Letters and Papers of Sir J. Monson, Aug. 1636, *Lambeth MSS.* mxxx. Nos. 47, 48.

[2] Heylyn's book was licensed May 5; Williams's was licensed for his own diocese Nov. 30.

by which the table, usually standing at the east end of the church, was to be brought down to some place in the church or chancel at the time of the administration of the Communion. As might be expected, Williams preserved the courtesies of debate far better than Prynne or Bastwick. His work was, perhaps, all the more galling for that. Heylyn deemed it worthy of a serious reply, and Laud referred to it bitterly in the speech which he delivered at the censure of Prynne; but neither Laud nor Heylyn made any serious effort to refute its main position.

By this book Williams, who had sought to escape by the aid of the Catholics and semi-Catholics of the Court,[1] threw himself once more on the side of the Puritans and semi-Puritans. For the present his change of front was likely to avail him little. On June 16, 1637, the next Court day after sentence had been pronounced on Prynne, Bastwick, and Burton, his case was called on in the Star Chamber. The evidence for the prosecution was too strong to be resisted. When the day of sentence arrived, Williams's old patron, Cottington, led the way by suggesting a fine of 10,000*l.* to the King, and one of 1,000 marks to Sir John Monson. The Bishop was also to be referred to the High Commission for ecclesiastical censure, to be suspended from the exercise of his functions, to be deprived of the profits of all his benefices, and to be imprisoned during the King's pleasure. This proposal was unanimously adopted, and the High Commission confirmed the decree of the Star Chamber so far as it related to matters within its special jurisdiction.[2]

1637. June 16. The case in the Star Chamber.

July 11. The sentence.

Williams was sent to the Tower. The administration of his diocese was confided to his most bitter adversaries. By the King's command Laud offered him the terms on which alone he could recover his freedom. He must either pay his

[1] Panzani had hitherto regarded Williams as a friend of the Catholics.

[2] *Rushworth*, ii. 416. Commissioners for causes ecclesiastical to Williams, July 18. Sentence of suspension, July 24, *S. P. Dom.* cclxiv. 12, 43. See also Rossingham's Newsletters in *Documents relating to Prynne* (Camd. Soc.)

fine or give good security for its payment. He must surrender his bishopric, receiving in return another either in Wales or Ireland, and must give up all his other benefices. He must further acknowledge that he had committed the crime imputed to him, and that he had erred in writing *The Holy Table, Name and Thing*.[1] Many weary months passed over the prisoner's head before he was ready to accept these hard conditions even in part.

Aug. 30. Terms offered to Williams.

In Williams the spirit of compromise, which was the characteristic mark of his genius, was marred by his moral defects. No such complaint could be made of a group of men who were working in the same direction, and who, if they failed to mould their own age after their image, have long been looked up to by later generations as the pioneers of thought. These men were Lucius Cary, Viscount Falkland, William Chillingworth, and John Hales.

The Latitudinarians.

Lucius Cary was the son of the Lord Deputy who had preceded Wentworth in Ireland. When he was but twelve years old he was taken by his father to Dublin, and was there educated at Trinity College.[2] As soon as he had completed his academical course he prepared for a soldier's life, and, young as he was, was entrusted by his father's ill-judged weakness with the command of a company. As soon as the Lord Deputy was recalled, the Lords Justices, glad to make a cheap exhibition of virtue at the expense of the son of a man with whom they had been at variance, deprived the lad of his military rank, and appointed Sir Francis Willoughby, an abler and more experienced soldier,[3] in his place. Young Cary, being unable to reach the Lords Justices, sent a challenge to Willoughby, and was consequently committed to prison and threatened with a prosecution in the Star Chamber. Charles, however, set him

1622. Lord Falkland.

1629. Challenges Sir F. Willoughby.

[1] The paper containing these terms is in Laud's hand, and endorsed, "The King commanded me to set them down." Aug. 30, *Lambeth MSS.* mxxx. fol. 68 b.

[2] On his mysterious connection with St. John's, Cambridge, see Tulloch's *Rational Theology*, i. 183.

[3] He did good service afterwards in defending Dublin Castle in 1641.

free after a short confinement of ten days,[1] allowing him the arrears of his pay, and adding a special acknowledgment that he had lost his command through no fault of his own.[2]

The young man was doubtless gratified by the compliment. He stood in no need of the money. His mother, a violent and overbearing woman, the daughter of Chief Baron Tanfield. had lately declared herself a Catholic—a step which so annoyed her father that he passed her over in his will and left his estates directly to his grandson.

Becomes heir to his grandfather.

1631. As soon, therefore, as he came of age young Cary found himself master of Great Tew, in Oxfordshire. Scarcely was he settled there when he gave offence to his father by entering upon a marriage of affection with a portionless lady. With the warm impulsiveness which was the principal charm of his character and at the same time the source of his greatest errors, he offered to resign the whole estate into his father's hands if only he might have a father's love. The offer was made in vain. The first Lord Falkland died in 1633, unreconciled to his son. The young man who now inherited the Scottish title of Falkland was as yet but little known to the world at large. For some years he devoted himself to his books and his friends. Falkland's house was the meeting-place for wits and poets as well as for scholars and divines. Carew and Suckling, Walter Montague and Sir Kenelm Digby were counted amongst his friends, whilst Sheldon and Morley knew how to lead the conversation to severer topics. Falkland himself played the part of host to perfection. All who had any serious purpose on hand had generous welcome at Great Tew. University men from Oxford 'found their lodgings there as ready as in the colleges ; nor did the lord of the house know of their coming or going, nor who were in his house, till he came to dinner or supper, where all still met ; otherwise there was no trouble, ceremony, or restraint to forbid men to come

1633. Becomes Lord Falkland.

His life at Great Tew.

[1] Lady Theresa Lewis, *Lives of the Friends of Clarendon*, i. 189.

[2] I found this in some formal document in the Record Office, I think in the enrolment of the Privy Seal granting the arrears ; but I have lost the reference.

to the house or to make them weary of staying there ; so that many came thither to study in a better air, finding all the books they could desire in his library, and all the persons together whose society they could wish, and not find it in any other society.' [1]

His character.

Falkland's mind was as hospitable as his house. He was in the highest sense of the words a seeker after truth, and he was unable to conceive that anything could be true which was not pure and of good report. His virtues were accompanied by their attendant defects. He was more keen to detect faultiness than to provide a remedy. He missed being a great man by a little, but that little was enough. He was too large-minded to take a mere party mould, and he was not sufficiently large-minded to stand above party altogether. He swayed from side to side as the special evils of either struck him more vividly. It was characteristic of him that of all poets he rated Ben Jonson most highly, and that in the catalogue of poetic gifts which he attributed to his favourite—

Wit, judgment, learning, art or industry,

the highest of all, the supreme gift of imagination, was wanting. It is equally missing in Falkland's own versification, and in this his versification was but the expression of his life. He was too clear-sighted to make a great party-leader, like Wentworth or Pym. He could not work out the results of a special political principle, and push it to its extreme consequences regardless of other principles which might commend themselves to other minds. His gentle, loving heart longed to compose the differences of the world, and to bid the weapons fall from hands which were prepared for bitter war. But the comprehensiveness of his heart was not supported by comprehensiveness of brain. The desire for reconciliation vented itself in impulsive anger against those who at any given time stood forth as obstacles to reconciliation ; it did not lead up to the reconciling thought which would have satisfied the reason-

[1] Clarendon, *Life*, i. 41. There is a curious echo of this description in the account of Allworthy's hospitality in *Tom Jones*.

able desires of both parties. When he chose a side he did not know half its faults. When he deserted it he did not know half its merits.

His praise of the King.

Falkland had not yet thrown himself into opposition. In 1637 he went out of his way to praise the King, complimenting him on the sovereignty of the seas in a way not very consistent with any strong feeling on the subject of ship-money, though the fact that he was a defaulter in respect of at least one of his estates may be allowed to stand for something on the opposite side.[1] Ben Jonson had just been carried to the grave, full of years and honours. He, wrote Falkland, would have told in befitting verse

> How mighty Charles, amidst that weighty care
> In which three kingdoms as their b'essing share
> (Whom as it tends with ever-watchful eyes,
> That neither power may force nor art surprise,
> So, bounded by no shore, grasps all the main,
> And far as Neptune claims extends his reign),
> Found still some time to hear and to admire
> The happy sounds of his harmonious lyre.[2]

Is drawn into the controversy with Rome.

It was on a question of religion that Falkland was first drawn into the controversies of the world around him. His mother, having changed her own religion, was anxious to make proselytes of all upon whom her influence could be brought to bear. Assailed by the usual argument that there was no infallibility but in the Roman Church, and no salvation without infallibility, Falkland was driven to examine the grounds of his faith. Under no circumstances is it conceivable that a mind so rational and so candid could have accepted these propositions; but though Falkland's tendencies of thought belonged to himself, there was something in the very gentleness of his nature which led him at every important crisis in his life to seek out the support of a mind stronger and more self-reliant than his own. In different phases of his political career he rested alternately on Hampden and on Hyde. In his earlier days he rested on Chillingworth

[1] Arrears for Hertfordshire, 1637, *S. P. Dom.* cccl xxvi. 106.

[2] *Falkland's Poems*, ed. Grosart.

in their common effort to free religious belief from bondage to human authority.[1]

Falkland and Chillingworth.

Though so nearly akin in their aims, the two men differed widely in their mental characteristics. In Falkland the reasoning powers were subordinate to the moral perceptions. In Chillingworth they exercised almost undivided sway. He was, above all things, a thinker. His singularly clear intellect met with but little resistance from those sympathies and antipathies which with most men count for so much. When once he had made up his mind that any given course was dictated by reason, nothing except conviction by argument that he had been mistaken would deter him from acting on his belief.

1602. Chillingworth's early life.

Chillingworth's early life was passed in circumstances which boded for him a prosperous career. Born at Oxford in 1602, he had Laud for his godfather. He received a good education, and in 1628 he became a Fellow of Trinity. Suddenly his friends learnt, to their consternation, that he had betaken himself to Douai as a convert to the Papal Church. The Jesuit Fisher had laid before him the argument that an infallible guide in matters of faith was necessary for salvation, and that such a guide was only to be found in the Roman Church. Chillingworth was at a loss for a reply, and, as usual, he followed the superior argument. A very brief residence at Douai convinced him that he had not searched the question to the bottom. Books of Jesuit theology were in the habit of applying the test of probability to moral action, and it is by no means unlikely that from them Chillingworth drew the unintended inference that, if it was enough to act upon the mere probability that the action was right, it might be enough to believe on the mere probability that the belief was true. If he accepted this as the best theory which he could form, it was evident that he had no further need of an infallible guide.

1631.

In making up his mind to return to the English Church Chillingworth had been helped by letters from Laud. The

[1] I am aware that the reverse has been asserted, but the relation of the two minds seems too clear to admit of any other view than this.

positions assumed by the two men were in the main identical. In his conference with Fisher, Laud had, indeed, declared that it was unnecessary to require assent to more than the fundamental articles of the Christian faith;[1] but it was not likely that any argument would fare in Laud's hands exactly as it would fare in Chillingworth's. Laud would be sure to add something about the consent of antiquity and the practical advantages of submission to authority. Chillingworth would leave it in its own naked simplicity.

Laud and Chillingworth.

Chillingworth had not been long in England before he began to prepare himself for that great controversial work by which he hoped to guide others along the path in which his own feet had stumbled.

Chillingworth prepares his great work.

In 1630 a Jesuit who passed by the name of Edward Knott had published a book under the name of *Charity Mistaken*, in which he argued that, except under exceptional circumstances, there was no salvation for Protestants. In 1633 Dr. Potter had answered the book, and the Jesuit then replied in support of his former reasoning. It was here that Chillingworth intervened in the controversy. For three years he was laying the foundations of the book in which the great weapon of the Catholic armoury was to be put to the proof.

1630. *Charity Mistaken.*

1633. Potter's reply.

The attraction of the library at Great Tew drew Chillingworth to Falkland. Intercourse quickly ripened into intimacy, and tradition tells how much of the argument of the scholar was owing to the suggestions of the peer. Those who have read with attention the writings of the two men will probably come to the conclusion that the peer owed more to the scholar than he gave. Falkland's reply to the letter in which Walter Montague announced his conversion goes over much the same ground as

1635. Chillingworth at Great Tew.

1636.

[1] Such a sentence as the following, for instance, has a very Chillingworthian ring: "The Church of England never declared that every one of her articles are fundamental in the faith; for it is one thing to say, No one of them is superstitious or erroneous, and quite another to say, Every one of them is fundamental, and that in every part of it, to all men's belief." Laud's *Works*, ii. 60.

that which was subsequently occupied by Chillingworth; but the arguments are urged without that sharp incisiveness which marks the work of the stronger reasoner.

It is by no means unlikely that Chillingworth had braced himself to his labours at Laud's instigation, though no evidence to that effect is in existence. At all events, before the book was published Laud had ample reason to look upon it with interest. In a short pamphlet Knott sought to discredit by anticipation the reply which he expected. He charged the author with Socinianism, and flouted him on his pretension to appear as the advocate of a religion which no longer dared to deck itself in its own colours. "Protestantism," he wrote, "waxeth weary of itself. The professors of it, they especially of greatest worth, learning, and authority, love temper and moderation, and are at this time more unresolved where to fasten than at the infancy of their Church." Their doctrine, he added, was undergoing a change: they now denied that the Pope was Antichrist; they had begun to pray for the dead, to use pictures, to adopt in many points the teaching of Rome. The articles were 'impatient, nay, ambitious, of some sense wherein they might seem Catholic.' Calvinism was 'accounted heresy and little less than treason.' The 'once fearful names of priests and altars' were widely used, and men were bidden to expound Scripture according to the sense of the Fathers—a practice which would evidently land them at the feet of the Pope, 'seeing that by the confession of Protestants the Fathers were on the side of the Catholic Church.'[1]

Knott's direction to N. N.

No wonder such words as these were gleefully quoted by the Puritans. It was exactly what they had been reiterating for years. No wonder, too, that Laud and Charles were deeply annoyed at so unexpected an attack. Charles weakly allowed Windebank to apply to Con, asking him to express his displeasure to the audacious Jesuit.[2] As

Charles tries to get Knott banished.

[1] In addition to Chillingworth's quotation, De Maiseaux gives an account of Knott's work, of which he had seen a copy.

[2] Con to Barberini, $\frac{\text{Nov. } 24}{\text{Dec. } 4}$, *Add. MSS.* 15,389, fol. 384.

might have been expected, Con expressed his inability to do anything of the sort; and Laud, with greater wisdom, turned his attention to hastening the appearance of Chillingworth's reply.[1] Towards the end of 1637, in the very heat of the excitement engendered by Lady Newport's conversion, *The Religion of Protestants* was issued to the world.

In his main argument that 'nothing is necessary to be believed but what is plainly revealed'[2] Chillingworth did little more than put in a clearer and more logical form, with all its excrescences stripped away, the contention of Laud in the conference with Fisher. That which marks the pre-eminence of the younger writer is his clear sense of the subordination of intellectual conviction to moral effort. If men, he says, 'suffer themselves neither to be betrayed into their errors, nor kept in them by any sin of their will; if they do their best endeavour to free themselves from all errors, and yet fail of it through human frailty, so well am I persuaded of the goodness of God, that if in me alone should meet a confluence of all such errors of all the Protestants of the world that were thus qualified, I should not be so much afraid of them all as I should be to ask pardon for them.'[3]

1637. *The Religion of Protestants.*

In these words, not in the counter-dogmatism of the Puritan zealot, lay the true answer to the claim to infallibility which was so ostentatiously flaunted before the world by the Roman missionaries. It was the old doctrine of Sir Thomas More and the men of the new learning coming to the surface once more, under happier auspices. It breathed the very spirit of mutual regard for zeal and earnestness in the midst of intellectual differences. It became men, Chillingworth held, to be very careful how they set up the creatures of their own imaginations as if they were the veriest certainties of Divine revelation. "This presumptuous imposing of the senses of men upon the general words of God," he writes, "and laying them upon men's consciences together, under the equal penalty of death and damnation; this vain conceit that we can speak of the things of God better than in the words of God; this deifying

[1] Chillingworth's reasons, Sept. 19, *S. P. Dom.* cccl xvii. 116.
[2] *Works*, i. 230.
[3] *Ibid.* i. 81.

our own interpretations and tyrannous enforcing them upon others ; this restraining of the Word of God from that latitude and generality, and the understandings of men from that liberty wherein Christ and the Apostles left them—is and hath been the only fountain of all the schisms of the Church, and that which makes them immortal ; the common incendiary of Christendom, and that which tears into pieces, not the coat, but the bowels and members of Christ. . . . Take away these walls of separation, and all will quickly be one. Take away this persecuting, burning, cursing, damning of men for not subscribing to the words of men as the words of God ; require of Christians only to believe Christ, and to call no man master, but Him only ; let those leave claiming infallibility that have no title to it, and let them that in their words disclaim it disclaim it also in their actions." "Christians," he says again, "must be taught to set a higher value upon those high points of faith and obedience wherein they agree than upon those matters of less moment wherein they differ, and understand that agreement in those ought to be more effectual to join them in one communion than their difference in other things of less moment to divide them. When I say in one communion, I mean in a common profession of those articles wherein all consent—a joint worship of God, after such a way as all esteem lawful, and a mutual performance of all those works of charity which Christians owe one to another." [1]

Defects of Chillingworth's system.

It is not given to any one man, even if he be a Chillingworth, to make out with complete fulness the remedies needed for the evils of his age. Dogmatism, too, has its functions to perform in the work of the world. The vain belief in the possession of all truth is higher and more ennobling than the disbelief that truth exists at all ; and it is impossible to deny that to the mass of Chillingworth's contemporaries the suspension of judgment, which was to him the ultimate result of a keen and earnest search after truth, would seem to be the very negation of the existence of truth itself. Even calmer judgments might well doubt whether

[1] *Works*, ii. 37.

Chillingworth's notion of a 'joint worship of God after such a way as all esteem lawful' was feasible, or whether, even if it proved feasible, it was at all desirable. Chillingworth's mind was too purely intellectual to enable him to understand how any given ritual could either raise admiration or provoke hostility. He cared much whether a proposition was true or not. He had but a languid interest in forms of prayer. In his reply to Knott's last pamphlet he took up the defence of the recent changes. "What," he said, "if out of fear that too much simplicity and nakedness in the public service of God may beget in the ordinary sort of men a dull and stupid irreverence, and out of hope that the outward state and glory of it, being well-disposed and wisely moderated, may engender, quicken, increase, and nourish the inward reverence, respect, and devotion which is due unto God's sovereign majesty and power; what if, out of a persuasion and desire that Papists may be won over to us the sooner by the removing of this scandal out of their way, and out of a holy jealousy that the weaker sort of Protestants might be the easier seduced to them by the magnificence and pomp of their Church service, in case it were not removed—I say, what if, out of these considerations, the governors of our Church, more of late than formerly, have set themselves to adorn and beautify the places where God's honour dwells, and to make them as heaven-like as they can with earthly ornaments?"[1] There is something contemptuous in such a defence as this. Above all, there is no acknowledgment by Chillingworth of the fact that moral influence may spread abroad from men who are very wrong-headed and very positive. The toleration which cheerfully grants free liberty to those who differ irreconcilably from us is the complement of the tolerance which seeks out by preference the points in which others agree with us rather than those in which they differ. The latter was Chillingworth's contribution to the peace of the Church and nation; for the former we must look elsewhere. Yet, before we plunge into the strife out of which the better thought was to be evolved, we may well linger a

[1] *Works*, i. 23.

moment to contemplate the life of one whose nature was more complete, and whose personality was more altogether lovely, than that of the great controversialist. Rather than to Chillingworth, rather than to Falkland, the discerning eye is attracted to one who was in his own estimation less than either, but of whom those who knew him best loved to speak as the ever-memorable John Hales.

1638. John Hales of Eton.

The genial recluse, with his prodigious memory and his keen, rapier-like thrust of argument, was the most loving and tender-hearted of men. In his Eton fellowship he found himself at home under the provostship of the large-minded Sir Henry Wotton. His views of life and religion were in the main identical with those of Chillingworth, but he approached the subject from the other side. In Chillingworth the logical faculty was supreme. In Hales it was at the service of a singularly gentle and affectionate heart. Hence he began where Chillingworth left off. He did not argue himself into the belief that the intention to go wrong, and not the failure itself, was culpable. He rather made it the starting-point of his reasoning. "He would often say that he would renounce the religion of the Church of England to-morrow if it obliged him to believe that any other Christian should be damned, and that nobody would conclude another man to be damned that did not wish him so."[1] "Every Christian," he wrote, "may err that will; for if we might not err wilfully, then there would be no heresy, heresy being nothing else but wilful error. For if we account mistakes befalling us through human frailties to be heresies, then it will follow that every man since the Apostles' times was an heretic."[2] Hence he could take but little interest in Chillingworth's search after fundamental truths. That men should err was, in his eyes, a necessity of their nature. The venerable names of the Fathers of the ancient Church, the imposing solemnity of ecclesiastical councils, conferred no exemption from the universal law. "If truth and goodness," he wrote, "go by universality and multitude, what mean then the prophets and holy men of God

[1] Clarendon, *Life*, i. 54.

[2] On the Sacrament of the Lord's Supper, *Works*, i. 63.

everywhere in the Scripture so frequently, so bitterly to complain of the small number of good men careful of God and truth? Neither is the complaint proper to Scripture; it is the common complaint of all that have left any records of antiquity behind them. Could wishing do any good, I could wish well to this kind of proof; but it shall never go so well with mankind that the most shall be the best. The best that I can say of argument and reason drawn from universality in multitude is this: such reason may perchance serve to excuse an error, but it can never serve to warrant a truth."

The search for truth.

Yet, for all this, the investigation of truth was the highest work of man. The words of the Apostle, "Be not deceived," were spoken not only to the wise and learned, but 'to everyone, of whatever sex, of whatever rank or degree and place soever, from him that studies in his library to him that sweats at the plough-tail.' But the command is not obeyed by those who content themselves with storing their memories with opinions learned by rote. He that would not be deceived must not only know 'what it is that is commanded,' must not therefore take his duties on trust from a Church claiming to be infallible, or from a venerated preacher, but must also know 'wherefore—that is, upon what authority, upon what reason.'[1] At last the new thought which was to form the modern world had reached its full and clear expression.

Public worship.

Like Chillingworth, Hales too had his dream of Utopian harmony of worship. "Were liturgies and public forms of service so framed," he argued, "as that they admitted not of particular and private fancies, but contained only such things as in which all Christians do agree, schisms in opinion were utterly vanished. For consider of all the liturgies that are or ever have been, and remove from them whatsoever is scandalous to any party, and leave nothing but what all agree on, and the event shall be that the public service and honour of God shall no ways suffer; whereas to load our public forms with the private fancies upon which we differ is the most sovereign way to perpetuate schism unto the world's end. Prayer,

[1] Sermon on private judgment in religion. *Works*, iii. 141.

confession, thanksgiving, reading of Scripture, exposition of Scripture, administration of sacraments in the plainest and simplest manner, were matter enough to furnish out a sufficient liturgy, though nothing else of private opinion, or of church pomp, of garments, of prescribed gestures, of imagery, of music, of matter concerning the dead, of many superfluities which creep into churches under the name of order and decency, did interpose itself." [1]

The tract on schism in which these words occur was circulated in manuscript in the spring of 1638. No wonder that when a copy fell into Laud's hands he sent for the author to Lambeth. Yet he could not but know that Hales, if not his ally, was at least the assailant of his enemies. A few years before, perhaps, he would have dealt harshly with him. He could not find it in his heart now to visit very severely a champion whose thrusts were directed against Puritan and Papist alike. The two men walked up and down the garden in friendly, if sometimes in warm, argument. Laud breathed a word of caution. The time, said the Archbishop, was 'very apt to set new doctrines on foot, of which the wits of the age were too susceptible.' [2] 'There could not be too much care taken to preserve the peace and unity of the Church.' As Hales came away he met Heylyn, and fooled him to the top of his bent,[3] assuring him that the Archbishop had proved far superior in controversy, ferreting him 'from one hole to another till there was none left to afford him any further shelter; that he was now resolved to be orthodox, and to declare himself a true son of the Church of England both for doctrine and discipline.' [4] Hales, no doubt, was laughing in his sleeve at the pompous chaplain. Yet it must be remembered that it is not from men of Hales's stamp that vigorous self-assertion is to be expected. In writing to Laud he did not, it is true, retract any of his positive opinions, but he certainly explained away some

Hales sent for by Laud.

[1] Tract concerning schism, *Works*, i. 114.

[2] This is Clarendon's account. *Life*, i. 55.

[3] This is Principal Tulloch's explanation, and is, I have no doubt, the right one.

[4] Heylyn, *Cyprianus Anglicus*, 340.

of his utterances. Laud was satisfied with his explanation, and in the following year he procured for him a canonry at Windsor.

Though in the days of conflict Falkland and Chillingworth and Hales would be found on Charles's side, in the long run the spirit which inspired them would be found a far more powerful dissolvent of Laud's system than the Puritanism which he dreaded. Its time was not yet come. Two theories of the religious life were in presence of one another, and those theories were entwined with a whole mass of habits which could not readily be shaken off. The strife was approaching, and it was not till the combatants had measured their strength with one another that they would be ready to listen to the words of peace. Even when that time came the solution would not be altogether such as Hales would have approved. The religious conscience would demand a more definite creed, and a more definite ceremonial, than that for which he had asked. By the side of the idea of comprehension would arise the idea of toleration. The one would soften down asperities, and teach the assured dogmatist to put on something of that humility in which the controversialist of all periods is so grievously deficient. The other would prepare room for the unchecked development of that individuality which is the foundation of all true vigour in churches and in nations.

The influence of Latitudinarianism not immediate.

CHAPTER LXXXIV.

THE CONSTITUTIONAL OPPOSITION.

THE ecclesiastical grievances were only felt by a part of the community. Financial burdens were felt by everyone who had property. In the summer of 1637 the outcry against ship-money had become general.

1637. Political grievances.

No unprejudiced person can deny that the existence of a powerful fleet was indispensable to the safety of the State, or that the amount of money demanded by Charles for the equipment of that fleet was no more than the case required. The charge which has frequently been brought against him of spending the money thus levied on objects unconnected with its ostensible purpose is without a shadow of foundation; and it is perfectly certain that, though the grant of tonnage and poundage had originally been made in order to provide the Crown with the means of guarding the seas, the expenses of government had so far increased that if tonnage and poundage were to be applied to that purpose on the scale that had now become necessary, the exchequer would soon be in a condition of bankruptcy.

Ship-money met an actual need;

Even the most just and necessary taxation, however, is sometimes received with murmurs. If such murmurs are not to lead to actual resistance, it is incumbent on those who impose the tax to explain to the tax-payer the necessity under which they are placed, and if possible to find some way of obtaining his consent. It was the very thing that Charles had not dared to do. He well knew that to summon a Parliament would be to endanger the

but was imposed without the consent of the tax-payers.

success of his ecclesiastical policy, and he had no mind to run the risk.

The fleet obtained by the levy of ship-money had done nothing sufficiently striking to make men forget the faults of its origin. The maintenance of trade with Dunkirk, in the face of threats of a Dutch or French attack upon that nest of privateers, interested only a few traders in London or Dover; whilst the exploits of the King's ships amongst the Dutch fishermen[1] in the summer of 1637 would, if the truth had been known, have awakened scorn rather than admiration. If a less inglorious success was achieved in the same summer by a squadron of six vessels under Captain Rainsborough at Sallee, it was due to other causes than the skill of the commander or the efficiency of the armament. Rainsborough was sent to deliver from slavery the European captives of the Barbary pirates, but his efforts to overcome their stronghold by attack or blockade were entirely ineffectual. Luckily, however, a civil war broke out amongst the Moors, and the King of Morocco purchased the neutrality of the English fleet by the surrender of 271 prisoners.[2]

Services of the fleet.

The expedition to Sallee.

Yet it was not because ship-money was badly spent that the impost was assailed in England. Voices were raised on every side declaring it to be utterly illegal. Ship-money, it was loudly declared, was undeniably a tax, and the ancient customs of the realm, recently embodied in the Petition of Right, had announced, with no doubtful voice, that no tax could be levied without consent of Parliament. Even this objection was not the full measure of the evil. If Charles could take this money without consent of Parliament, he need not, unless some unforeseen emergency arose, ever summon a parliament

Ship-money attacked as illegal.

The constitutional objection.

[1] See page 220.

[2] Brissenden to Nicholas, Sept. 21. Rainsborough's journal, *S. P. Dom.* cccixviii. 6, ccclxix. 72; Carteret to Coke, Sept. 21. List of prisoners released. *S. P. Morocco.* Garrard's statement (*Strafford Letters*, ii. 118) that Rainsborough 'put the new town of Sallee into the King of Morocco's hands' is exaggerated.

again. The true question at issue was whether Parliament formed an integral part of the Constitution or not.

Attachment of the nation to legality.

A charge has sometimes been brought against the Englishmen of that day that they concerned themselves overmuch with legality and precedent. Undoubtedly they loved to dwell upon the antiquity of the rights which they claimed. Antiquaries like Selden or Twysden expressed the tendencies of their age as truly as thinkers like Voltaire and Rousseau expressed the tendencies of theirs. The legality which they cherished was the legality of a nation which had hitherto preserved unbroken the traditions of self-government. Spoken or unspoken, beneath all the technicalities of the lawyers, beneath all the records of the antiquaries, there remained an undertone of reliance upon the nation itself. Parliaments had been established to gather into a focus the national resolve. Kings had been established to give prompt efficacy to the resolve which had been formed. It was a new thing that a king should treat the policy and religion of the nation as if they concerned himself alone; but the men who opposed it because it was new, opposed it still more because it was degrading.

The question of ship-money to be argued.

Charles fancied that the question of the legality of ship-money had been settled for ever in his favour by the declaration of the judges.[1] Lord Saye and John Hampden thought otherwise. They resolved that, whatever the result might be, the argument against ship-money should be heard in open court, and Charles was too confident of the justice of his cause to offer any opposition.

Difficulties in the way.

For some unknown reason—perhaps because his case was more simple than that of Saye—Hampden's refusal was selected to test the opinion of the judges. His case was to be argued in the Exchequer Chamber. The counsel employed by him were St. John and Holborne, lawyers connected with the Earl of Bedford. They would have to argue with the full knowledge that the court was against them, and they would have therefore to put forward just that side of the argument which would not call down the violent censure

[1] See page 208.

of the judges. It would be far easier to show that Charles was politically in the wrong than to show that he was legally in the wrong; but they were bound by their position to urge legal objections, only indirectly touching upon the political objections, if they touched on them at all. They knew that the judges had acknowledged the King to be the sole judge of danger from abroad, and they therefore could not venture to question a maxim adopted on such authority.

St. John accordingly began by making a great concession. He abandoned any attempt to draw a distinction between the levy of ship-money in the inland counties and its levy in the maritime counties. He acknowledged, too, that the King was the sole judge of the existence of danger. The law, he said, had given the King power, 'by writ under the Great Seal of England, to command the inhabitants of each county to provide shipping for the defence of the kingdom, so that he might by law compel the doing thereof.' The only question was in what manner he was to exercise this power. St. John answered his own question by arguing that as the King could not set fines nor deliver judgment except through the judges, so he could not raise money beyond his ordinary revenue except by Parliament. He showed that there were special reasons for this restriction. A representative assembly was likely to be a jealous guardian of the property of its constituents. The King was under no such bonds. If he could lay what charge he pleased on his subjects 'it would come to pass that, if the subject hath anything at all, he is not beholden to the law for it, but it is left entirely in the mercy and goodness of the King.'

Nov. 6. St. John's argument.

The remainder of St. John's argument may profitably be stripped of its technicalities. It is a good thing, he said in effect, that there should be some one to keep an eye on the possibility of danger. It is also a good thing that property should be guarded against unnecessary claims. It was, therefore, well that the King, when he had discovered the danger, should, under ordinary circumstances, be compelled to apply to Parliament for the taxation needed to meet it. It might be, indeed, that the danger developed so rapidly that time for an

application to Parliament was wanting. In that case the rights of property would be simply in abeyance. If a French or a Spanish army landed unexpectedly in Kent or Devonshire, no one would blame the Government because it seized horses from a gentleman's stable to drag artillery, or ordered its troops to charge across a farmer's cornfields. It was a matter of notoriety, however, that in the present case no such danger had occurred. Writs had been issued in August for the purpose of equipping a fleet which was not needed till March. What possible reason could be alleged why Parliament had not been summoned in the course of those seven months, to grant a subsidy in the regular way?

A reason no doubt there was, to which St. John did not venture even to allude, but which his hearers were not likely to forget. A Parliament, once summoned, would be certain to discuss other matters besides ship-money, and would most probably demand an entire reversal of the civil and ecclesiastical policy of the reign.

St. John supported his arguments by the usual store of antiquarian learning. He was able to show that the kings of England had frequently paid for services done in defence of the realm, even when they had been forced to borrow money to enable them to do so. Surely, he urged, no king would have done this if he had been aware that he might legally impose the burden on his subjects.

When St. John sat down he found himself famous. The crowded audience drank in every word that he said, listening as men would listen who believed their property and their rights to be at stake.

As Solicitor-General, Lyttelton undertook to reply. It would have been strange if he had failed to find cases in which English kings had occasionally taken money irregularly. The struggle between Crown and Parliament had been a conflict of strength as well as a conflict of principle, and an advocate of the Government might easily go astray by quoting acts of aggression as if they had embodied the very spirit of the law. When Lyttelton ascended from precedent to principle, the weakness of his case must have been

Nov. 11. Lyttelton's argument.

manifest even to those who knew little of constitutional law. He acknowledged that the King had no right to impose ship-money, excepting in time of danger, and he made the most of the argument that the rights of property were not weakened by taking what was needed for the defence of property itself. All laws must give way to the law of necessity, and in times of necessity it was impossible to appeal to Parliament. Forty days must elapse after the issue of the writs before Parliament could meet, and then would follow long debates and conferences between the Houses. Before an agreement could be arrived at the kingdom would be lost.

Lyttelton's argument would have been an excellent one if it had had the slightest relation to the actual circumstances of the case. Even supposing that the seven months which passed between the issue of the writ and the assemblage of the fleet had been insufficient to enable Parliament to come to a decision on that year's supply, no such excuse could be pleaded on behalf of an exaction which was now being renewed for a fourth annual period. Evidently the danger was considered at Court to be a permanent one, and to a permanent danger Lyttelton's reasoning had no application whatever.

Holborne in a few words blew down the house of cards which had been erected by the Solicitor-General. The writ, he said, did not mention the existence of imminent danger. Then, rising to the occasion, he argued, amidst interruptions from the Bench, 'that by the fundamental laws of England the King cannot, out of Parliament, charge the subject—no, not for the common good unless in special cases.' Not only could not the King do it 'for the guard of the sea against pirates, but he could not even do it for the ordinary defence of the kingdom unavoidably in danger to be lost.' Then, going farther than St. John had ventured to go, he refused to acknowledge that the King was the proper judge of danger, except when that danger was so closely impending that it was impossible to consult Parliament at all.

Dec. 2. Holborne's argument.

The great constitutional issue was raised more distinctly by Holborne than by St. John. For him Parliament, not the King, was the main organ of the sovereignty of the nation over

itself. Bankes, the Attorney-General, refused to meet him on that ground. The court, he argued, had no right to inquire under what circumstances the King could exercise his judgment. It was enough to know that it had been exercised. His power of forming the necessary decision was 'innate in the person of an absolute king and in the persons of the Kings of England; so inherent in the king that it is not any ways derived from the people, but reserved to the king when positive laws first began.'

Dec. 16. Argument of Bankes.

In the course of his three days' argument Bankes had produced many precedents, in which the obligation of the subject to defend the realm in person, by land or sea, was often confused with the special obligation of dwellers on the coast to provide ships for its defence. Nor did he omit to quote a few cases in which in older times the inhabitants of inland counties had been compelled to find money or the provision of ships. He was, however, totally unable to show anything like a general contribution enforced from year to year.

Dec. 18.

In the end he repeated his declaration that the King was an absolute monarch and the sole judge of danger. To 'distrust that he will command too great a power or aid, it is a presumption against the presumption of the law.'

Dec. 19.

"My Lords," he said in conclusion, "if there were no law to compel unto this duty, yet nature and the inviolate law of preservation ought to move us. These vapours which are exhaled from us will again descend upon us in our safety and in the honour of our nation; and therefore let us obey the King's command by his writ, and not dispute. He is the first mover among these orbs of ours, and he is the circle of this circumference, and he is the centre of us all, wherein we all as the loins should meet. He is the soul of this body, whose proper act is to command."

Bankes thus supplied whatever defects there might be in Holborne's argument. When he sat down it must have been abundantly clear to all who were present that if his view was accepted as the true one, the old Parliamentary constitution of England was at an end. In that case, as they had already learned from St. John, no man

Importance of Bankes's argument.

could hold his property except on sufferance. Those who cared less for pelf, and more for the old constitutional inheritance of their race, learned from the glib utterance of a lawyer's tongue that the system under which they fondly believed that long generations of their ancestors had lived and died had never had any real existence. The assemblies of early times before the Conquest, the Great Councils of Norman kings, the Parliaments of the Plantagenets were, it would seem, merely ornamental appendages to the substantial edifice of the monarchy. No doubt the King still professed his intention of ruling according to the law. No doubt the Great Charter, the confirmation of the Charters, and the recent Petition of Right would still be quoted and wrangled over in Westminster Hall, but their living force would be gone. The representative monarchy of Henry VIII. and Elizabeth would cease to be, as completely as the Parliamentary monarchy of the House of Lancaster would cease to be. In its stead was to be raised the authority of a king ruling in accordance with his own inscrutable counsels, whilst the English people was to wait patiently for the decision of its master. His was the wisdom which foresees everything and arranges everything, which no contingency could take by surprise and no calamity find without resource. Theirs was the ignorance of a herd of cattle contentedly grazing in the fat pastures prepared for them till their owner thought good to send them forth to the slaughter-house of war.

Conditions under which the claim to absolute power was made.

It is certain that, whether Charles was or was not possessed of the profound wisdom needed to make good the claim advanced in his name, no time could be conceived more unfitted for its general acceptance. So far as the King's advocates demanded that complicated affairs should be entrusted to the decision of the few rather than of the many, they merely asked what was in accordance with the necessities of human nature; but they left out of sight the fact that it is equally in accordance with those necessities that the decision of the few should be openly or tacitly submitted to the approval of the many. At the moment, too, the very success attained by Charles's fleet made the mystery in which he veiled his resolutions more unin-

telligible. When a great crisis arrives in the national fortunes, when an invasion by a foreign Power is impending and the means of resistance are scanty, it is far more important that the plans for meeting the danger should proceed from one brain, and that the forces of resistance should be concentrated in one hand, than that there should be a public Parliamentary discussion on the proper tactics to be pursued. Nothing of the kind was impending now. When Richelieu determined to keep his new fleet out of the English Channel, he struck a decisive stroke, though he knew it not, on behalf of the Parliamentary liberties of England. If a combined French and Dutch fleet had attacked Dunkirk, and had threatened English commerce on the English coasts, all the patriotism in England would have been loud in demanding that the powers of Government should be increased, though it is quite possible that an effort would also have been made to substitute a thoughtful and able Government for one which had proved itself shiftless and inefficient. As it was, there was no reason whatever that special powers should be conceded where no special reasons existed for their exercise.

The decision of the judges remained to be heard. As only two were to deliver their opinion on the same day, and as, in consequence of the claims of other business, a considerable delay would intervene between the utterances of each pair of speakers, some months must elapse before the judgment of the whole Bench could be known.

1638. The opinion of the judges.

It was not likely that the judges would break away from their declaration of the preceding winter. On some of them no doubt the dependent position to which they had been reduced by Charles may have been not without its influence; but it must not be forgotten that the question itself was rather one for political than for judicial settlement. Hampden and his supporters were only careful to establish a negative. They saw clearly that the right assumed by the King was fatal to the Parliamentary constitution of England. The judges might well ask what was the alternative proposed. Was a House of Commons, as yet unguided by any cabinet and undisciplined by any party ties, to be expected to meet with wise forethought all the exigencies of foreign affairs? What was really wanted, if

there was not to be a political revolution, was that the King should not only exercise his discretion, but should really be discreet, should only use extraordinary powers in extraordinary circumstances, and should withhold his confidence from the nation no further than it might be in the interest of the nation that secrecy should be maintained for a time. Unfortunately, such a consummation was beyond the power of any judicial decision to effect.

Something of this difficulty seems to have been felt by Baron Weston, who delivered judgment first. He believed that the King had decided rightly in fitting out the fleet. If, indeed, it had been done by Parliament, it had been done by the happiest means. But he could not lay down the law that it must always be done by Parliament. If the enemy had come 'before the Parliament had met, or before they had granted any aid, should the safety of the kingdom depend upon such contingencies?'

Judgment of Weston;

This reluctance to acknowledge the existence of a general prohibitory law was the strongest ground on which the King's supporters could rely. It was not likely that all of Weston's brethren would be content to give so half-hearted a support to the Crown. Crawley, who followed, declared that it was a royal prerogative 'to impose taxes without common consent of Parliament.' Berkeley went further still. He fixed upon Holborne's argument that, by the fundamental policy of the realm, sovereigns who wished to exact money at their pleasure ought to be restrained by Parliament. "The law," he said, "knows no such king-yoking policy. The law is of itself an old and trusty servant of the King's; it is his instrument and means which he useth to govern his people by. I never read nor heard that *Lex* was *Rex*, but it is common and most true that *Rex* is *Lex*, for he is *Lex loquens*, a living, a speaking, an acting law."

of Crawley and Berkeley;

Vernon and Trevor followed on the same side. It was not till five of the judges had declared for the King that one was found to take part with the defendant. Sir George Croke is said to have hesitated what he should say, but to have been encouraged by his wife to speak his

of Vernon, Trevor, and Croke.

mind without fear of consequences. The tale has no sufficient evidence to support it, and he was hardly the man to need such an exhortation. However this may have been, he spoke distinctly and emphatically. It was utterly contrary to law, he said, to set any charge whatever upon the subject except in Parliament. Even under this condition the King could not possibly find any difficulty in providing for the defence of the realm. He had power to press into his service every single man and every single ship in England. 'The imagination of man,' he said, 'could not invent a danger, but course might be taken till Parliament be had.' No example of such a writ as that before the Court could be produced from the whole course of English history.

Of the remaining judges, Hutton followed decisively in Croke's steps. Denham who was ill, gave a brief judgment in Hampden's favour, and Bramston and Davenport placed themselves, for technical reasons, on the same side. Jones and Finch pronounced for the King. Charles could count as his own but seven voices out of twelve, giving him the smallest of all possible majorities.

Seven judges for the Crown.

Of all the arguments delivered on the side of the Crown none created so profound an impression as that of Finch. It had at least the merit of plain speaking, and the spontaneity of its tone is such as to raise a suspicion that the Chief Justice of the Common Pleas, overbearing and brutal as he could be upon occasion, was not the mere time-server that he is generally reckoned. Finch held, as all reasonable politicians now hold, that in every State some man or body of men must exist above all human control, and that though this supreme authority may be wisely subjected to checks and hindrances, it must be able in case of supreme necessity to brush aside those checks and hindrances without appeal. This power, which is now attributed to the constituencies, was by Finch attributed to the King. The law, he said, having given to the King the duty of defending the country, had of necessity given him the right of laying the charge which would enable him to fulfil the duty imposed upon him. "Acts of Parliament," he boldly added, "to take away his Royal power in

Finch's constitutional views.

the defence of his kingdom are void. . . . They are void Acts of Parliament to bind the King not to command the subjects, their persons and goods, and I say their money too, for no Acts of Parliament make any difference."[1]

Effect of Finch's words.

This was at least plain speaking. After this, what was the use of going back to those ancient laws which were fondly regarded as the bulwarks of English liberty? Precedent and statute had been quoted in vain. There was, it seemed, a transcendent authority in the King which neither law nor Parliament could fetter. No wonder men took alarm at so portentous a doctrine, and that those who claimed sovereignty for the law and those who claimed sovereignty for Parliaments were equally roused to indignation. "Undoubtedly," wrote Clarendon long afterwards, "my Lord Finch's speech made ship-money much more abhorred and formidable than all the commandments by the Council table and all the distresses taken by the sheriffs of England."[2] It did more than that. It taught men to know, beyond all possibility of mistake, that the reign of Parliament and the reign of law were indissolubly connected, and that the fond idea of an unparliamentary government acting under legal restraint must be cast aside for ever.

The speeches of the popular lawyers, and the judgments of the popular judges, were circulated from hand to hand. A settled conviction took possession of Englishmen that, if the majority of the judges was against them, the weight of argument was on their side. Never had the authority of Charles sunk so low as after the victory which he counted himself to have won.

Arrears of ship-money collected.

Charles acted as if doubt was no longer possible. The voice of the judges, when it spoke in his own favour, was to him as the voice of the law itself. Sharp orders were at once issued for the immediate collection of the arrears. Sheriffs were to bring in the money on pain of a summons before the Council. Constables refusing to assess, magistrates of towns refusing to collect, and men of standing

[1] *State Trials*, iii. 825.

[2] *Clarendon*, i. 71.

refusing to pay were to be treated in the same manner. This pressure was not exerted entirely in vain. Even the sturdy Richard Chambers, who had refused to pay ship-money as he had refused to pay tonnage and poundage before, was liberated from prison upon payment of the 10*l.* charged upon him, though he consoled himself by bringing an action against the Lord Mayor, who had assessed it, upon the ground of some technical informality.[1] At the end of July, 78,000*l.* was still in arrear. Though by the end of October, 30,000*l.* of this sum had been paid in, the arrears still unpaid were twice as large as those remaining at the end of October 1637.[2] If these, however, could be recovered there was no reason to despair of the exchequer. Never since the accession of the Stuart dynasty had the finances been in so flourishing a condition as in the spring of 1638. The great customs, which had for some years been farmed for 150,000*l.*, were let afresh for 165,000*l.*[3] The new burdens laid since Portland's death were beginning to tell, and with ordinary prudence the King would be certain to secure himself against a deficit, unless, indeed, he contrived to entangle himself in war.

Other grievances besides ship-money.

The great case of ship-money was peculiarly adapted to bring into a focus all the political dissatisfaction which existed in England. The incidence of the tax was felt by all but the very poorest, and the question at issue, with its wide and far-reaching consequences, was capable of being summed up in a few terse words which would fix themselves in the dullest understanding. As was, however, to be expected, the grievance of ship-money did not stand alone. Complaints were heard of other mischiefs inflicted for the most part on special classes or special localities, each of them separately of less importance than that caused by the ship-money, but which, taken together, were sufficient to excite a considerable amount of irritation.

[1] Rossingham's News-Letter, June 16, 1640, *S. P. Dom.* ccccl vii. 36.

[2] *Council Register*, June 30, July 15. Russell's account, Oct. 27, 1637, July 28, Oct. 27, 1638, *S. P. Dom.* ccclxx. 57, cccxlv. 93, 95, cccc. 114, 115.

[3] Indenture, March 17, 1638, *Patent Rolls*, 13 Charles I., Part 41, No. 1.

Of these the foremost was the complaint of the action of the Forest Courts, the unwonted activity of which had been in operation ever since 1634. In the course of three years Holland, as Chief Justice in Eyre, had held his justice-seat in the Forest of Dean, in Waltham Forest, and in the New Forest.[1] In 1637 the turn of the Forest of Rockingham arrived. The fines set by Holland were enormous. The Earl of Salisbury was called on to pay 20,000*l.*, the Earl of Westmoreland 19,000*l.*, Sir Christopher Hatton 12,000*l.* The bounds of the forest had been reckoned as measuring six miles in circumference. They were now to measure sixty.[2] As usually happened, the fines actually levied were far less than those originally set. In November commissioners were named to compound with all persons guilty of offences against forest law.[3] After the commission had been in action two years and a half, only 23,000*l.* had been brought by it into the exchequer from all the forests in England.[4] The sum paid was indeed small enough when compared with that originally demanded, but it was large enough to cause considerable discontent in the minds of those who believed themselves to be buying off, on compulsion, a purely imaginary claim.

The Forest Courts.

1637. September. Court in Rockingham Forest.

Nov. 4. The forest commission.

No public object was aimed at by Charles in these exactions. In the institution of new corporations with exclusive rights of manufacture, or of sale, he, or those who acted in his name, were doubtless guided to a large extent by considerations of public benefit. The Monopoly Act of 1624 had been the result partly of the jealousy aroused amongst traders, who saw the profits of trade going into the hands of courtiers, and partly of the pressure felt in consequence of the violation of economic laws by those who could give no account of the true cause of the mischief. Not only had that Act left untouched the general power of the Crown to institute corporations with the right of monopoly, but it had not been accom-

Corporate monopolies.

[1] See vol. vii. 362, 365 ; viii. 77, 86.

[2] Garrard to Wentworth, Oct. 9, *Strafford Letters*, ii. 114.

[3] Commission, Nov. 4, *Patent Rolls*, 13 Charles I., Part 14, Dors. 6.

[4] Brevi:ates of the receipt.

panied, as the Free-Trade measures of our own time were accompanied, by any intellectual enlargement of the traditional sphere of thought upon the subject. The Privy Council of Charles, therefore, not only believed itself to be empowered by law to establish new corporations with the sole right of trade, but shared the feelings of a generation which regulated trade in every possible way. Justices of the peace had long counted it to be a part of their business to settle the rate of wages and to keep down the price of food. Inhabitants of towns petitioning for the erection of a municipal corporation were in the habit of ascribing all the vice and misery of over-populated districts to the 'want of governance' which allowed each man to come and go, to manufacture or not to manufacture, as he pleased.[1] It is impossible for any candid person to read the numerous entries on the subject of trade which crowd the Register of the Privy Council without coming to the conclusion that they were the work of men desirous, perhaps, here and there to obtain a little fragmentary relief for the impoverished exchequer, but who were also desirous to have honest work done at low prices, and who conspicuously failed in the attempt.

In 1636, for instance, a Corporation of Brickmakers was established for the benefit of the builders of London. These men were to make good bricks at the rate of six shillings the thousand. At the end of three years it was discovered that they made very bad bricks indeed, and that, though they sold them at the stipulated price, they kept the carriage of them in their own hands and charged exorbitantly for it.[2]

1636. The brickmakers.

Still more difficult was the task of bringing the London coal supply to an ideal standard. The owners of the coal ships were formed into a corporation, and bound themselves to pay one shilling to the King on every chaldron imported from Newcastle. They also bound themselves never to charge more than seventeen shillings the

The coal shippers.

[1] Several petitions state this in the *Petition Books* at Crowcombe Court.

[2] *Patent Rolls*, 13 Charles I., Part 7, No. 5. *Council Register*, April 24, 1639.

chaldron in summer and nineteen shillings in winter. Yet, strict as were the rules laid down, the coal-shippers gave endless trouble to the Government. Again and again there was a scarcity in the London market, and prices rose in defiance of the Privy Council. Sometimes blame was attributed to a combination amongst the shippers to delay their vessels on the way from the North, in order to create an unusual demand, under the pressure of which they might run up prices in defiance of their agreement; sometimes to improper regulations imposed in the London market; sometimes to the greed of the retailers. Yet, in spite of the reasoning and the activity of the Council, it was only at rare intervals that coals were not above the regulation price in London.[1]

The Corporation of Soapmakers, which had caused such excitement in 1635,[2] underwent a complete change in 1637. With Juxon as Treasurer, Laud at last had his way. The company formed of Portland's friends disappeared. The old independent soapmakers were erected into a corporation, buying out their predecessors with 43,000*l.*, and agreeing to pay to the King 8*l.* on every ton of soap manufactured by them. The very men who had raised the outcry against the search for illicit soap now made exactly the same use of their monopoly as that of which they had themselves complained. They constantly applied to the Council to assist them in the suppression of unauthorised manufactures, and the Council seldom failed to comply with their request.[3]

1637. The soapmakers.

The original object of the incorporation of the Soap Company had been the encouragement of domestic industry. With the same object a company was formed at Shields for the production of salt. All port towns from Berwick to Southampton were ordered to provide themselves with this salt alone, in place of that which came from the shores of the

1635. Salt works.

[1] The *State Papers* and the *Council Register* are full of this business.

[2] See p. 71.

[3] Agreement, July 3, 1637, *Patent Rolls*, 13 Charles I., Part 39, No. 10. There are also frequent entries relating to the subject in the *Council Register*.

Bay of Biscay, and which was at that time regarded as the best salt in the world. The company was to pay to the King ten shillings on every wey sold for home consumption, and three shillings and fourpence on every wey of that coarser sort which was used by fishermen.[1] Complaints were soon heard. The owners of the Yarmouth fishing-boats declared that they could not obtain salt in sufficient quantity, and that what they did receive was not so good as the old bay salt had been.[2] The King had a plan of his own to meet the difficulty. A certain Nicholas Murford had invented a new method of making salt, and had obtained leave to establish his works in the neighbourhood of Yarmouth, with special permission to sell his salt in spite of the monopoly of the Shields manufacturers. An influential company was formed to carry out Murford's project. The King interested himself so deeply in the affair that he granted lands to the new company. As, however, these lands turned out to be the property of others, he was compelled to retract his gift.[3]

1636.

1637.

The King's claim to levy impositions on soap and salt may have received a sort of justification as a mere demand for an equivalent for the loss of his customs caused by the prohibition of importation. Other interferences with domestic trade reposed simply on the ground that it was the King's business to see that his subjects were provided with articles of good quality, though even in these cases he did not disdain to make a profit for himself. The Company of Starch-makers was to take care that good wheaten flour was not wasted in their unprofitable manufacture. In order that grain might not be misused in brewing beer unnecessarily strong, all persons except a certain number of licensed maltsters and brewers were prohibited from making

Starch-makers.

Maltsters and brewers.

[1] Indenture, Nov. 4, 1635, *Patent Rolls*, 11 Charles I., Part 26, No. 4.

[2] Bailiffs of Great Yarmouth to the Council, Nov. 13 1636, *S. P. Dom.* cccxxxv. 51.

[3] Grant to Murford and Hanworth, May 25, 1636, *Patent Rolls*, 12 Charles I., Part 7, No. 6. The King to Wentworth and others, Jan. 18. Wentworth's petition, Feb. 22, 1637. Murford to Sherwood, 1637 (?), *S. P. Dom.* cccxliv. 35, cccxlvii. 80, ccclxxvii. 84.

malt and brewing beer. This last prohibition caused such an outcry that even Charles gave way before it and threw open the trade once more.[1]

For these encroachments some reason, however unsatisfactory, could, in every case, be alleged. For Charles's interference with the wine trade no reason whatever could be produced. As early as in 1632 a demand was made upon the Vintners in London for a premium of 4*l.* per tun. Upon their refusal, it was discovered that they were in the habit of dressing meat for sale to their customers, a mode of obtaining money which was not authorised by their charter. A decree of the Star Chamber put a stop to the practice. At the Council-board the Vintners were urged to be wise in time. "It is folly in travellers," said Dorset, "to deny their purses to robbers upon the way, and to draw harm upon themselves thereby, when they have no sufficient force either to defend their purses or their own persons." A proposal was then made that if the Vintners would lend the King 6,000*l.*, the prohibition should be relaxed for some months, and that they should then be secured from further molestation. They paid the money, but the promised security was not forthcoming. They complained to the Council, but met with no redress. "Will you not be satisfied," said Arundel, "with the word of a king?" Upon this they imagined that they would be allowed to dress meat, as they had hitherto done. They were at once called in question. The Attorney-General offered to overlook the offence for the future if they would pay the King a penny on every quart of wine sold. On their refusal they were again prosecuted in the Star Chamber for dressing meat. When the cause was ready for sentence, Alderman Abell, the Master of the Vintners' Company, came to a bargain with the King through the interposition of the Marquis of Hamilton. To Hamilton had been granted the fines which were recoverable in the Star Chamber from

The vintners. 1632. 1633. 1635. 1637. 1638.

[1] Proclamation, July 9, 1637, June 18, 1638; *Rymer*, xx. 157, 234. Appointment of Brewers for Essex, Feb. 28, 1638, *Patent Rolls*, 13 Charles I., Part 18, No. 6.

the offenders in the matter of dressing meat. He now explained to the Vintners that he had no wish to ruin so many honest men, and that it would be far better for them to comply with the King's wish. His arguments were warmly supported by Abell, and by Kilvert, the wretch who had been the main agent in the ruin of Williams, and who was now currying favour at Court by providing for the increase of the revenue at the expense first of the Vintners and ultimately of the consumers of wine. Before this pressure the unfortunate Company gave way. They agreed to all that was asked. They were to be permitted to dress meat and sell beer, and to charge an additional penny on every quart of wine sold. In return they were to grant to the King a payment of 20*l.* on every tun, or, as was subsequently settled, a rent of 30,000*l.* a year.[1] All the vintners in England were compelled by the Council to conform to the arrangements made with the London Company. Hamilton obtained 4,000*l.* a year from the rent, and 1,500*l.* a year more was assigned to two members of his family. No doubt Kilvert had his profit too.[2] Thus the great body of consumers of wine suffered in order that the King and the courtiers might increase their profits.

1632. The growth of London.

It is not always by the most hurtful actions that the greatest discredit is gained. In our eyes nothing could be so injurious as any attempt to limit the size of London by prohibiting the erection of new houses.

[1] *Rushworth*, iii. 277. *Council Register*, March 2, 1635. Garrard to Wentworth, Jan 8, 1636. *Strafford Letters*, i 507. Indenture, Sept. 7, 1638, *Patent Rolls*, 14 Charles I., Part 18, No. 2. This is no doubt the indenture assigned by Rushworth to 1634. See also *The Vintners' Answer to some Scandalous Pamphlets*, 1642. (E. 140.) "Those of the better sort which did give their counsel," says the writer of this pamphlet (p. 7), "did it not with any true liking to the project, but merely to avoid ruin in the Star Chamber. For the shipwreck of the soap-boilers and others was then fresh in view; and that Court had then gotten them the same repute as a Timariot's horse has in Turkey, where they say no grass ever grows after the impression of his fatal hoof." The early form of this saying, which is still current, with a slight change, is curious.

[2] Kilvert's remonstrance, *Harl. MSS.* 1,219, fol. 3. Grants to Hamilton and others, *Patent Rolls*, 14 Charles I., Part 9, Nos. 25, 31, 32.

England was growing in prosperity and wealth, and the effects of prosperity were felt in the increase of the population of the capital. In the early part of the reign houses began to spring up for the accommodation of the new comers, and a new and fashionable quarter arose in the neighbourhood of Drury Lane. To provide the requirements necessary for the maintenance of health would have taken some trouble and some thought. It was easier to say that no houses should be built than to regulate the mode in which they were to be erected. At first, indeed, the anxiety to restrain the increase of buildings gave way before the desire to fill the exchequer, and fines were readily accepted in the place of the demolition of houses. When at last a serious effort was made to check the supposed evil, the initiative did not proceed from the King. A petition from the Lord Mayor and Aldermen drew the attention of the Council to the growing mischief. They alleged that swarms of beggars were attracted by the new houses. Prices had risen in consequence of the increasing demand for the necessaries of life. Many of the houses were built over water-pipes, and cut off the supply of water. The danger of infection was increased. Soil was carried down to the river, which threatened to impede navigation.[1]

Oct. 29. The London petition.

Doubtless something more than pure enthusiasm for the public good was at work in the minds of the petitioners. The population within the City looked on the population outside the City as its rival in trade.

After a year's consideration the Council responded to the City petition. One valuable suggestion they made, but it was made only to be dropped. They advised that the streets and alleys which had grown up to the north of the Strand should be brought under municipal government by being divided between the cities of London and Westminster. For the rest, they simply adopted the recommendations of the City. In order to ascertain the extent

1633. Oct. 23. Answer of the Council.

[1] *Council Register*, Oct. 29, 1632. How strongly the Corporation felt on this subject is shown by the presentation of a petition to the House of Commons on June 14, 1642, praying that a Bill might be passed against new buildings. *Common Council Journal Book*, xi. 33.

of their legal powers a test case was brought into the Star Chamber, when Attorney-General Noy argued that though there was no statute to authorise the demolition of the new buildings, they might be proceeded against as nuisances under the common law. Coventry and the two Chief Justices accepted this doctrine, and orders were given to commence the demolitions.[1] As long as Charles retained authority permission to build was seldom granted, though in a few exceptional cases the prohibition was relaxed on payment of a fine.

The natural result was the overcrowding of existing houses. To provide a remedy householders were ordered to forbear from taking lodgers. It was not easy to enforce the order. A return made in 1637, when the ravages of the plague had frightened the authorities, who were ignorantly doing their best to promote the dissemination of disease, shows how little their edicts were observed. In one house were found eleven married couples and fifteen single persons. In another the householder had taken in eighteen lodgers. Even the Company of Freemasons had cut up their common hall into tenements.[2] The wisest were as far wrong as the most ignorant. In a report on the causes of the plague made by the College of Physicians, the chief blame is thrown not on restriction, but on the increase of building, 'by which multitudes of people are drawn hither to inhabit, by which means both the air is much offended and provision is made more scarce.' It is true that this statement is followed by a list of nuisances to be abated. The sewers and ditches were not properly cleansed. Ponds which should have been filled up were left to collect refuse. The streets were not swept as they should be. Lay stalls were allowed to remain close to the habitations of man. Those who died of the plague were buried within the City, and some of the graveyards were so full that partially decomposed bodies were taken up to make room for fresh interments. Corn, meat, and fish unfit for consumption were sold to the poor. The physicians recommended the erection of a Health Office

1637. Overcrowding to be remedied by prohibiting lodgers.

August. Report of the physicians.

[1] *Council Register*, Oct. 23, 1633. *Add. MSS.* 11,764, fol. 2.

[2] Returns, May 1637, *S. P. Dom.* ccclix.

to provide a remedy, a recommendation which no one attempted to carry into effect.[1]

For good or for evil it was dangerous to interfere with the great City commonwealth. The settlement of the affairs of Londonderry,[2] though more favourable to the City than had been at one time expected, was long cherished as a deadly grievance. The Irish lands, settled at the cost of so much labour and capital, were forfeited to the Crown. The greater part of the fine imposed was indeed remitted, but 12,000*l.* was exacted for the use of the Queen,[3] who happened to be in want of that sum. Another subject of irritation was an arrangement for increasing the tithes due to the City clergy. On the face of the matter, Laud, who pushed it on in the Council, had justice on his side. The tithes by which the clergy were supported had sunk to a mere pittance through under-valuation of the property on which they were charged, and Laud insisted on a more accurate valuation. The citizens regarded his demand from a very different point of view. If they were illiberal in the payment of tithes, they had been very liberal in irregular payments to preachers and lecturers. They liked, however, to select the recipients of their bounty—as Laud would have put it, to bring the clergy into subservience to themselves, or, as they would have put it, to take care that their ministers were not infected by the new ceremonialism.

1638. The Londonderry forfeiture.

The City clergy.

Collisions between the Council and the City were of constant occurrence. In 1636 the failure of the proposal to extend the municipal governments of London and Westminster over the districts covered with recent buildings was followed by the establishment of a new corporation for those districts, which, by enforcing the usual trade regulations, should prohibit the intrusion of persons who had not served their regular apprenticeship. The citizens of London regarded the new arrangement with a jealous eye, and

1636. The new corporation.

[1] The College of Physicians to the Council, Aug (?) 1637, *S. P. Dom.* cccixvi. 78.

[2] See page 60.

[3] There is a Privy Seal to this effect.

a proposal that apprentices who had served their time under the new corporation should be admitted to trade in the City found no favour in their sight.[1] The spirit of monopoly was everywhere vigorous. In 1634, when an enterprising stable-keeper for the first time sent hackney coaches to stand for hire in the streets, many persons held up their hands in horror at the innovation. It was seriously proposed that no coach should be hired for less than a three miles' journey, and that unmarried gentlemen should be forbidden to ride in them except when accompanied by their parents.[2] The London watermen made objections of a different kind. They were quite ready to see any number of coaches driving northwards towards Islington and Hoxton, but they held it to be intolerable presumption in them to compete with the wherries on the river by driving from the City to Westminster. For a time these objections prevailed. In 1636 a proclamation was issued forbidding the hiring of hackney coaches for a shorter journey than one of three miles. Too extensive a use of coaches, it was said, would block up the streets, break up the pavements, and raise the price of hay.[3] It was not long before it was discovered that the coaches which had been so severely condemned were not without their use. Like the vintners, the coachmen applied to Hamilton to license fifty hackney coachmen for London and Westminster, and as many as he thought right for other places in England. Hamilton did not grant these licenses for nothing,[4] but he provided London with vehicles which were to be hired by all who wished to employ them.

1634. Hackney coaches.

1636.

1637.

Another salutary innovation was the establishment of a

[1] Charter, June 2, 1636, *Patent Rolls*, 12 Charles I., Part 20, No. 7. Proclamation, Nov. 22, 1637, *Rymer*, xx. 173. *Council Register*, May 6, 1638.

[2] Paper of suggestions, May 5, 1634, *S. P. Dom.* cclxvii. 36.

[3] Watermen's Petition, June 1634, *S. P. Dom.* cclxix. 52; Proclamation, June 19, 1636, *Rymer*, xix. 721.

[4] A bundle of these licenses is preserved amongst the Verney Papers at Claydon.

post office for the transmission of letters. Hitherto, anyone who wished to communicate with his friends, and who was not sufficiently wealthy to send his letters by a private messenger, was obliged to entrust them to a carrier, who conveyed them over the miry roads at the rate of sixteen or eighteen miles a day. Under this system, the few persons who had communications with Scotland or Ireland were well content if they received an answer within two months. In 1635 the Government adopted a proposal for establishing a regular post on the principal roads. Six days were allowed for going to Edinburgh and back. The other main routes were from London to Plymouth, and from London to Holyhead, cross posts being established to serve the principal towns lying off the road. The charge for a single letter was twopence for a distance of eighty miles.[1] By an arrangement with the King of France and the Cardinal Infant, the system was extended beyond the Channel, and merchants were able to send a single letter to Antwerp for eightpence, and to Paris for ninepence.[2]

1635. The letter-post.

1637.

Like all the Stuart kings, Charles took an interest in those improvements which were likely to increase the material prosperity of the country. In his father's reign there had been many projects for reclaiming inundated lands, but it was not till after his own accession that anything serious was attempted. In 1626 a commencement was made with Hatfield Chase, where 70,000 acres were flooded by the rivers which converge to form the Humber. A Dutchman, Cornelius Vermuyden, skilled in the art of raising embankments and cutting canals, was brought over from Holland. Dutch capitalists were induced to provide money for the venture, and the strong arms of Dutch labourers, not without some admixture of Flemish refugees and French Huguenots, were ready to wield the pickaxe and the spade. The operation was certain to be unpopular amongst the sur-

1626. Drainage of Hatfield Chase.

[1] Proposition, June, *S. P. Dom.* ccxci. 114; Proclamation, July 31, 1635, *Rymer*, xix. 649.

[2] Commission, April 5, 1637, *Patent Rolls*, 13 Charles I., Part 41 Dors. No. 3.

rounding peasantry. Voices were raised in complaint that water was being forced over fields which had once been dry; and the grievances of landowners were echoed by the grievances of large numbers without avowed occupation, who had gathered round the waste grounds, and who made a livelihood by catching fish and snaring ducks, as well as by various other contrivances, for the cessation of which the undertakers of the works would hardly be able to find an exact pecuniary compensation. Jealousy of foreigners fanned the flame of hatred. The embankments were broken through and the workmen were attacked. The foreigners took up arms in self-defence, and an Englishman was killed in the struggle. The sheriff of the county restored order, and Vermuyden, made wise by experience, offered to employ native labourers at high wages, and to compensate those whom he had unintentionally damaged. In 1629 Vermuyden was knighted, and received a grant of the lands which he had recovered on payment of a yearly rent, and a fine of 16,000*l.*[1]

1628. Foreign workmen employed.

Quarrels between the foreigners and the natives.

1629.

The old difficulties were not yet at an end. The Government found it a hard task to keep the peace. The enthusiastic and quick-tempered Dutch engineer was apt to regard the English peasants in the light of ignorant and selfish obstructives. The peasants looked upon every accidental injury as a premeditated wrong. At last the whole dispute was committed to the mediation of Wentworth and Hutton, the best men for the purpose to be found in England. After full inquiry, they drew up an award, which was subsequently confirmed by the Court of Exchequer, by which the rights of the tenants and the commoners were fully protected. Vermuyden, in dudgeon, parted with his interest. The immigrants whom he had employed, about two hundred families of foreign origin, remained on the soil which they had rescued. Grass grew, and corn waved, where a few years before Henry,

The Government attempts to mediate.

[1] Hunter, *Hist. of the Deanery of Doncaster*, i. 160. Ansbie to Buckingham, Aug. 21. Vernatti to St. Giles, Oct. 1628, *S. P. Dom.* cxiii. 38; cxix. 73.

Prince of Wales, had captured a whole herd of deer swimming in the waters. The neighbours still remonstrated that they were occasionally deluged by artificial floods; but when once the drainage was fully completed the inundations ceased.[1] From another kind of hardship the foreigners found no escape. They had been permitted to erect a chapel in which they might worship God in their native tongues, and they interpreted that permission as conveying a licence to use the forms of their native land. Archbishop Neile was horrified to find that these Dutchmen and Frenchmen had established a Presbyterian congregation on English soil, that they baptized infants without a font, and received the Communion without kneeling at the rail. Neile at once intervened. The strangers were compelled to dismiss their minister, to pull down their chapel, and to attend the parish churches of the neighbourhood.[2]

1636. The foreigners compelled to conform to the English Church.

The draining of Hatfield Chase was not the only work of the kind accomplished in England during these years. Many thousands of acres were reclaimed in Lincolnshire. Of all the fens the largest was that known as the Great Level, which spread round the Isle of Ely over more than 300,000 acres, covered by the overflow of the Ouse, the Nen, and the Welland. What was in winter a vast expanse of water was in summer a dreary swamp. On the damp islets an ague-stricken population gathered a coarse hay, and cut the willows which supplied the basket-makers of England. Wild ducks and wild geese were to be captured by hundreds, and pike and other fresh water fish were to be had in plenty. Men who passed half their lives in boats, and who, when they left their boats, strapped on the long stilts which enabled them to stride from one piece of dry ground to another, were terrified when they heard of a coming change. Their scared feelings were well expressed by words placed in their mouths by a rhymester of the day.

1629. The Great Level.

[1] *Hunter*, i. 162.

[2] Neile to Laud, June 23, Sept. 8, 1636; Neile's report, *S. P. Dom.* cccxxvii. 47, cccxxxi. 71, cccxlv. 85, i. 5.

Behold the great design, which they do now determine,
Will make our bodies pine, a prey to crows and vermin ;
For they do mean all fens to drain and waters overmaster,
All will be dry, and we must die, 'cause Essex calves want pasture.[1]

The first serious attempt to deal with the Great Level was made in 1629 by the Commissioners of Sewers, a body composed of the neighbouring gentry acting under the authority of the Crown. They entered into a contract with Vermuyden to drain the level. The proposal to introduce foreigners was, however, as unpalatable in Lincolnshire and Cambridgeshire as it had been in Yorkshire, and the Commissioners were forced by the public opinion of the district to rescind the contract. They then urged the Earl of Bedford to place himself at the head of the work. On his consent, it was arranged that 95,000 acres of the drained land should be allotted to him. Of this share, however, he was to set apart 12,000 for the King, and the profits of 40,000 were to serve as a security for keeping up the works after their completion. The amount of land which he was actually to enjoy would therefore be reduced to 43,000 acres. He divided the undertaking into twenty shares, and in 1634 the shareholders were incorporated by Royal Charter. The work proceeded rapidly, and in October, 1637 the Commissioners of Sewers decided that it had been completed, and adjudged the stipulated reward to the Earl and his associates.[2]

Contract with Vermuyden.

1630.

1631. The Earl of Bedford's undertaking.

1634.

1637. The completion of the work announced.

The associates, however, were not satisfied. They complained that Bedford had pursued his own interests at their expense, and threatened him with a prosecution in the Star Chamber unless he treated them more fairly.[3] Vermuyden too, who had been employed by Bedford, was equally discontented. Bedford, it was alleged, had claimed his reward before he had fully carried out his contract. In summer the reclaimed land was tolerably dry.

The work insufficiently done.

[1] Dugdale's *History of Embanking*, 391.

[2] Cole, *Collection of Laws*, xxiii.

[3] Complaints of the shareholders, Oct. 1637, *Harl. MSS.* 5011, fol. 37.

In winter, the streams swelled as before, and the waters poured over the level plain. Bedford, it would seem, had done all that was in his power to do. He had spent 100,000*l.* on the undertaking Yet, unless more was done, his labours would have been almost in vain.[1]

1638. April. The King offers to go on with the work.

On April 12, 1638, a new body of Commissioners, appointed for the purpose, opened a session at Huntingdon. Whilst they were still sitting, they received from the King a letter in which, with his accustomed indiscretion, he announced that he had formed a decided opinion that the works were incomplete, and then added that he was prepared to take them into his own hands.[2] The Com-

Action of the Commissioners of Sewers.

missioners took a personal survey of the works, and obtained verdicts from seven different juries. Upon this evidence they declared the drainage to be unfinished.[3] Whether they were acting under pressure or not, they were, necessarily, after the reception of the King's letter, liable to the imputation of doing so. At their next

May.

meeting at Wisbech in May, they imposed a taxation varying from 10*s.* to 40*s.* an acre, to support the expense of carrying out the original plan.

The money was to be paid at their next meeting at Huntingdon in July.[4] Before the appointed day arrived, other voices

Riots in the fens.

made themselves heard. Imperfect as it was, Bedford's work had created sore discontent amongst many of the inhabitants of the district.[5] Landowners complained that

[1] This is distinctly stated by Vermuyden, *A Discourse touching the Draining*, &c. Compare Dugdale, 411, and the Act of 1649, which shows that the drained land was even then under water in winter. The accounts usually given, as for instance in Cole's *Collection of Laws*—ignore this ground of the King's interference. Wells reprints Cole's objurgations, though he interlaces them with remarks of his own, conceived in a different spirit, giving, however, no intimation which are Cole's sentences and which are his own.

[2] We have only the abstract of this letter in *Cole* xxviii. He misdates it as written in 1639.

[3] Inrolments of the laws of sewers, Part 1, *R. O.*

[4] Dugdale, 411.

[5] A pamphlet, the *Anti-Projector*, written after 1649, asserts that

they were worse off than they had been before his intervention. The whole tribe of fishermen and willow-cutters proclaimed themselves grievously wronged. Their commons, as they called the swamp, had been taken from them, and at the best they would have to betake themselves to an uncongenial life of hard agricultural labour. From the moment that the Commissioners declared against the Earl, a vague hope spread that the King might be on their side. In May Bedford's workmen were interrupted by a disorderly mob.[1] On June 4 the magistrates of the Isle of Ely were informed that there had been an assemblage of forty or fifty men, at which it had been resolved to collect at least six hundred on the following day, on the pretext of a football match, to destroy the drainage works. Two of the ringleaders were arrested. The next day was rainy, and only two hundred persons appeared to begin the work of destruction. There were more arrests, and the mob was dispersed. One of the prisoners gave expression to the thought which was doubtless present to the minds of all. He would not leave his commons, he said, till he saw the King's hand and seal. He would obey God and the King, and no one else, for they all were but subjects. "What," he asked, "if one might be inspired to do the poor good, and help them to their commons again?"[2]

May.

June 4.

June 5.

Bedford's grant was illegal; and that, whereas by the Act of 43 Eliz. cap. 11, a lord of the manor was bound to obtain the consent of the majority of owners and commoners before commencing drainage works, he had falsely stated that this had been obtained.

[1] Windebank to Peachy, May 16, *S. P. Dom.* cccxc. 89.

[2] Justices of the Peace to the Council, June 9, *S. P. Dom.* cccxcii. 45. It is difficult to say what Cromwell had to do with the matter. Sir Philip Warwick's statement that he threw himself into opposition to the King has led everyone astray. Probably Warwick, when he wrote his Memoirs, could not conceive Cromwell as acting except in opposition to the King. Mr. Forster in his *Life of Cromwell* has a highly imaginative narrative of Cromwell's proceedings which has no support in any known evidence. If Cromwell had really bearded the Court, his name would have appeared on the Council Register as a prisoner. Mr. Sanford (*Studies of the Great Rebellion*, 252) is far more moderate; but even he suggests that Cromwell

When the Commissioners met on July 18, it was to declare their determination to enforce the taxation which they had ordered, and to announce that the inhabitants were to continue in possession of their lands and commons till the drainage was completed. Nor were Bedford and his partners to have any reasonable cause for dissatisfaction. By the original arrangement, after providing 12,000 acres for the King and 40,000 to form a provision for the maintenance of the works, they would have had 43,000 to divide amongst themselves. They were now offered 40,000 without the obligation of finishing the works at all. If, as has been said, the annual value of the reclaimed land was 30*s.* an acre, they would obtain a yearly income of 60,000*l.* by a capital expenditure of 100,000*l.* They had certainly no reason to complain.

July 18. Decision of the Commissioners.

The King himself was to undertake the work, receiving 57,000 acres in return. Little was, however, done by him. Troubles were coming thickly upon Charles, and he had neither money nor time to bestow upon the fens. Possibly he might not have succeeded even under

The King is to undertake the work.

appeared on behalf of the commoners, 'turning that current of popular opinion against the King's undertaking, which had been created in order to facilitate his illegal proceedings; so that the Commissioners, afraid of meeting the opposition of the whole of the parties, made an order to permit the landholders to take the profits of their lands, and to the generality granted common of pasture over the whole of the acreage. . . . Both these concessions, without much doubt, were owing to the skilful opposition of Oliver.' The simple answer to this hypothesis is, that the Commissioners met on July 18, and that Charles had on July 10 announced his intention of making these concessions (Bankes to Windebank, July 21, *S. P. Dom.* cccxcv. 77), when he can have had no fear of Oliver before his eyes. Nevertheless, it is highly probable that Cromwell did take the part of these poor men. If he did so, he must have been on the King's side against Bedford, and not, as is always asserted, on Bedford's side against the King. This would be the more creditable to him, as political motives would have drawn him to Bedford, and his cousin St. John was Bedford's counsel and one of the adventurers. There is nothing whatever to connect the nickname 'Lord of the Fens' with these proceedings. It simply occurs as one of the many names for the leading Parliamentarians in the *Mercurius Aulicus* of Nov. 6, 1643. Sir H. Vane appears as 'an old New England man,' Rudyerd as 'a grave senator,' &c. &c. All that can be meant is, that Cromwell lived in the fens.

more favourable circumstances. He selected Vermuyden as his
July 18. engineer, and even then voices were raised to argue that Vermuyden's ideas were unpractical. Modern engineers have decided that the objections then brought were of great weight.[1]

The story of the first attempt to effect the drainage of the great fens is worthy of notice by the historian as well as by the
Behaviour of Charles. engineer. It brings out into clear relief both the merits and the defects of Charles's character. It is evident that he was anxious to carry out a work of real importance, both when he entrusted it to Bedford and when he took it into his own hands. It is evident, too, that he desired both that the rich should be benefited and that the poor should not be wronged. Yet he gained no credit for his good intentions. He took his decision in private before any inquiry had been held, and he stultified his Commissioners by announcing to them his decision just as they were starting to make the inquiry upon which it was ostensibly to be based. When all this parade of investigation ended in the assignment of a large number of acres to himself, it was easy to leap to the conclusion that the sole object of the whole proceeding was to fill the exchequer at the expense of a popular nobleman, whose advocates before the Commissioners were St. John and Holborne, the very men who had recently been retained by Hampden.

From whatever side Charles's conduct is approached, the result is the same. He failed because morally, intellectually,
Isolation of Charles. and politically he was isolated in the midst of his generation. He had no wish to erect a despotism, to do injustice, or to heap up wealth at the expense of his subjects. If he had confidence in his own judgment, his confidence was not entirely without justification. He was a shrewd critic of other men's mistakes, and usually succeeded in hitting the weak point of an opponent's argument, though it often happened that, taken as a whole, the argument of his opponents was far stronger than his own. Especially on theological questions, he was able to hold his own against trained disputants.

[1] Burrell, *Exceptions against Vermuyden's Discourse*. "One of the principal labours of modern engineers has been to rectify the errors of Vermuyden and his followers." Smiles' *Lives of the Engineers*, i. 56.

On all matters relating to art, he was an acknowledged master. His collection of pictures was the finest and most complete in Europe. He had that technical knowledge which enabled him instinctively to distinguish between the work of one painter and another. He was never happier than when he was conversing with musicians, painters, sculptors, and architects. He treated Rubens and Vandyke as his personal friends. But the brain which could test an argument or a picture could never test a man. Nothing could ever convince him of the unworthiness of those with whom he had been in the long habit of familiar intercourse. Nothing could ever persuade him of the worthiness of those who were conscientiously opposed to his government. There was no gradation either in his enmity or his friendship. An Eliot or a Pym was to him just the same virulent slanderer as a Leighton or a Bastwick. A Wentworth and a Holland were held in equal favour, and those who were ready to sacrifice their lives in his cause were constantly finding obstacles thrown in their efforts to advance his interests through the King's soft-hearted readiness to gratify the prayers of some needy courtier.

He underestimates his difficulties.

In his unwarranted self-reliance Charles enormously underestimated the difficulties of government, and especially of a government such as his. He would have nothing to say to 'thorough,' because he did not understand that thoroughness was absolutely essential. He would not get rid of slothful or incompetent officials, would not set aside private interests for great public ends, would not take the trouble to master the details of the business on which he was engaged. He thought that he had done everything in ridding himself of Parliaments, though in reality he had done but little. He did not see that Parliaments had roots in the local organisations of the country, and that, as long as these organisations remained intact, they would be ready to blossom into Parliaments again at the first favourable opportunity. Sheriffs and justices of the peace, no doubt, were appointed by the King. In his name they administered justice or executed the directions of the Council. They were not, however, as the Intendants of the

The local organisation of the country untouched.

old French Monarchy or the Prefects of the Empire, entirely dependent upon the master in whose name they acted. They were country gentlemen with the same habits of thought, the same feelings of independence, as their neighbours around them. If they collected ship-money, they collected it unwillingly, and there were few indeed amongst them who did not sympathise with the gallant resistance of Hampden.

In the towns the local organisation was far more independent of the Government than it was in the counties. Such a city as that of London, for instance, contained a potential force which it would be hard to beat down. It was no mere assemblage of individual units, content to store up wealth, or to secure their daily bread. It had an organisation of its own, reaching from the highest to the lowest. Its Lord Mayor, its Aldermen, its Common Council and Common Hall constituted a municipal republic. Its great merchant societies were busily engaged in extending the limits of English commerce in the most distant lands. At home the great City Companies maintained the traditions of trade and manufacture, and looked with a jealous eye on all attempts made by those outside their pale to participate in their profits. If the richer merchants were sometimes tempted into subserviency by the timidity of wealth and by the allurements of such gains as were attainable by a farmer of the Customs, or a shareholder in one of the new monopolies, the mass of the citizens had nothing directly to hope or fear from the Crown; whilst the habit of participating in the election of those by whom the affairs of the City were directed, and in the actual decision of more important questions, inspired them with that mutual reliance which is the ripest fruit of community of action. Nor was that action confined to speech and counsel. The defence of the City was not confided to an army paid and commanded by the central authority of the State, but to the trained bands composed of its own citizens. The protection of life and property was not entrusted to a salaried police. The citizens themselves kept watch and ward. When trouble was abroad, when apprentices were likely to be riotous, or when some unwonted pageant attracted denser crowds than usual

The City of London.

into the streets, the householder was still required, as in days of remote antiquity, to be answerable for the conduct of every member of his household, and to pay the penalty for the wrong-doing of his children and servants.[1]

Such a population—and if other town corporations were far behind the capital in wealth and population, they were not far behind in self-reliance—was not likely to endure for ever to be entirely excluded from all participation in the direction of the national policy, especially as the freeholders and gentry of the counties were very much like-minded with the inhabitants of the towns.

Charles's task a hopeless one.

"The blessing of Judah and Issachar," wrote Bacon, "will never meet, that the same people or nation should be both the lion's whelp and the ass between burdens. . . Although the same tribute and tax laid by consent or by imposing be all one to the purse, yet it works diversely upon the courage." From the wisdom which had dictated these words Charles had gone very far astray.

Yet it is no matter of surprise that the inevitable resistance was so long delayed. In the midst of material prosperity there was no sharp sting of distress to goad the masses to defiance of authority. Men of property and education had, in the intermission of Parliaments, no common centre round which they could rally. Those who were united in political opposition to the Crown were divided by their religious sympathies. The feeling of irritation against Laud's meddlesome interference with habitual usage was indeed almost universal; but Puritanism was, after all, the creed only of a minority. Many of those who detested the High Commission most bitterly would be no partners in any violent or revolutionary change.

The revolution delayed.

If the nation, however, was not ready to overthrow its government by force, it was not prepared to make any effort to sustain it. How long this state of things would have endured, if no impulse had come from without, it is impossible to say. The impulse came from a

The nation needed an impulse from without.

[1] The *Journal Book of the Court of Common Council* is full of information on these points.

quarter from which Englishmen had long ceased to expect either good or evil. In 1636 Scotland, with its scanty population and its hardy poverty, was as seldom mentioned in London as the Republic of Genoa or the Electorate of Brandenburg. In 1638 it was in the mouths of all men. Charles had inflicted on the Scottish nation a blow which it deeply resented, and its resentment had already led to avowed resistance.

CHAPTER LXXXV.

THE RIOTS IN EDINBURGH.

SCOTSMAN as he was by birth, Charles knew even less of his northern than of his southern kingdom. Since his early childhood he had only paid one brief visit to Scotland. That visit had witnessed an outburst of dissatisfaction amongst the nobility with that episcopal government which they had eagerly assisted James to impose on a Presbyterian Church.

1633. Charles and the Scots.

The nobles had discovered that in placing a yoke on the necks of the clergy they had raised up rivals to themselves. Everywhere in Scotland the bishops were thrusting them aside. The Archbishop of St. Andrews was Lord Chancellor of Scotland. Other bishops were members of the Privy Council. Whenever Parliament met the bishops had in their hands the selection of the Lords of the Articles, and experience had shown that resistance to the decisions of the Lords of the Articles was not likely to be successful. In the country districts the bishops claimed that respect and submission which the earl or the lord believed to be due to himself alone. Although Charles had given to the holders of Church property an indefeasible title to the estates which their fathers had usurped, and had actually purchased lands with English money to serve as an endowment for the revived bishoprics, it was hard for him to allay the suspicion that he intended sooner or later to re-confiscate to the use of the Church that which had been confiscated from the Church by an earlier generation of landowners. The greater part of the nobility, therefore, hated the bishops thoroughly, and those

The nobility and the bishops.

few who did not hate them were not inclined to move a finger in their behalf. Of all the Scottish lords not one was more loyal than Lord Napier, the son of the inventor of logarithms. But he was as intolerant as Rothes or Loudoun of the political eminence into which the bishops had been thrust. "That bishops have a competence," he wrote, "is agreeable to the law of God and man; but to invest them into great estates and principal officers of the State is neither convenient for the Church, for the King, nor for the State."[1]

The Scottish Church.

If Charles could have been content to leave the Scottish Church as he found it at the time of his visit, it is hardly likely that the nobles would ever have gathered courage to resist him. It is true that their power over their tenants was far greater than that possessed by English landowners, but it was less than that which had been possessed by their fathers. The middle classes had been growing in importance and cohesion, and even the peasants looked for guidance to their minister rather than to their lord. Till very recently the bulk of the clergy was tolerably contented. Here and there was to be found a man who had remained faithful to the extreme Presbyterianism of a former generation, and a large number felt the Articles of Perth to be a serious grievance. But their material comfort had been greatly increased by Charles and his father, at the expense of the neighbouring landowners. The bishops interfered but little with their parochial ministrations. Above all, they were free to preach the whole Calvinistic creed, and to fulminate anathemas against Popery and Arminianism to their hearts' content. No Royal declaration bound them, as it bound the Southern clergy, to abstain from enlarging on controverted topics. No canons or rubrics existed which could be quoted as sanctioning an obsolete ceremonial.

The direction of the Articles of Perth to kneel at the reception of the Communion roused, it is true, no little opposition. It sometimes happened that when a minister asked the congregation to kneel, they flocked out of the church, leaving

[1] Napier, *Memorials of Montrose*, i. 70.

him alone at the table.[1] But in general, either by the connivance of the bishops at irregularities or by the submission of the congregations, there was less trouble caused by this injunction than might have been expected. Here and there, under the shelter of episcopal authority, there were even to be found islands of a faith and practice which contrasted strangely with the level waters around. The colleges of Aberdeen were notorious for their adherence to a more tolerant creed than that of the rest of the clergy. At the King's Chapel at Holyrood, at one of the colleges at St. Andrews, and at some of the cathedrals, the English Prayer Book was used without giving offence.[2] If matters had been allowed to take their course, it is just possible, though it is not very probable, that the Church of Scotland would have been the first to give an example of that comprehensive tolerance which was the ideal of Chillingworth and Hales.

Kneeling at the Communion.

Varieties of doctrine and ceremony.

Of no such elasticity in practice was Charles at any time likely to approve. When, in 1633, Laud accompanied the King to Scotland, he was struck by the mean aspect of many of the Scottish churches. Some of them were plain square buildings, looking, as he said, very like pigeon-houses. The galleries inside reminded him of seats in a theatre.[3] On one occasion, when he found an old Gothic building thus maltreated, and was told that the change had been made at the Reformation, he answered sharply that it was not a reformation, but a deformation.[4]

Charles determines to coerce the Scottish Church.

This carelessness about external propriety was no doubt to be attributed in great part to the prevalence of Calvinism. Yet it cannot be altogether dissociated from that carelessness about the external decencies of life which was simply the result of poverty. The England of the seventeenth century was assuredly far behind the

1635. Brereton's remarks on the habits of the Scots.

[1] This happened at Ayr. *Brereton's Travels*, Chetham Society, 121.

[2] *Large Declaration*, 20.

[3] *Works*, iii. 365.

[4] This fling at the ugliness of the Scottish churches is usually quoted by writers who ought to know better, as if it implied that the Scotch had been better off under the Pope.

England of our own times in sanitary precautions. An English traveller who visited Edinburgh in 1635, spoke with amazement of the filth which was allowed to accumulate even in the best houses. "This city," he wrote, "is placed in a dainty, healthful, pure air, and doubtless were a most healthful place to live in, were not the inhabitants most sluttish, nasty, and slothful people. I could never pass through the hall but I was constrained to hold my nose; their chambers, vessels, linen, and meat nothing neat, but very slovenly." Linen which had been washed was in much the same state as dirty linen would be in England. 'To come into their kitchen, and to see them dress their meat, and to behold their sink' was 'a sufficient supper, and' would 'take off the edge of the stomach.' The writer is the more to be credited, because in higher matters he is extremely laudatory. "The greatest part of the Scots," he declares, "are very honest and zealously religious. I observed few given to drink or swearing; but if any oath, the most ordinary oath was 'Upon my soul.' The most of my hosts I met withal, and others with whom I conversed, I found very sound and orthodox, and zealously religious. In their demands they do not so much exceed as with us in England, but insist upon and adhere unto their first demand for any commodity."[1]

For all this hard-headed zeal and honesty Charles had no admiration. His eye did not penetrate beneath the external crust of Scottish life. To him, as to Laud, a Reformation which had produced churches so ill-built, and a ritual so unadorned, was no better than a deformation. The long extemporary prayers of the ministers annoyed him, as they have annoyed many an Englishman since.[2] For all this he had a fitting remedy. "We," he wrote to the Scottish bishops soon after his return to England, "tendering the good and peace of that Church by having good and decent order and discipline observed therein, whereby religion and God's worship may increase, and considering that there is nothing more defective in that Church than the want of a Book of Common Prayer and uniform service to be kept in all the

1634. May 13. The King's intentions.

[1] *Brereton's Travels*, 102, 106, 110. [2] *Large Declaration*, 15.

churches thereof, and the want of canons for the uniformity of the same, we are hereby pleased to authorise you as the representative body of that Church, and do herewith will and require you to condescend upon a form of Church service to be used therein, and to set down canons for the uniformity of the discipline thereof."[1]

The bishops and the Church courts.

Officially, no doubt, the bishops might be held to be 'the representative body of that Church.' Of the religious heart and soul of Scotland they were in no sense the representatives. Even in relation to the organisation of the Church, their position was very different from that of their English brethren. An English bishop had the Church courts at his disposal. The churchwardens, as English Puritans bitterly complained, were bound by oath to present offenders against Church law before authorities entirely independent of the parishioners. In Scotland, the episcopal jurisdiction had taken no such deep root. In the general management of ecclesiastical affairs the bishops had taken the place of the Assembly, but the local management of parochial affairs was still in the hands of elected officers. Deacons were chosen by the parishioners to take charge of the provision for the poor, and elders to take cognisance of moral faults committed by members of the congregation. The deacons and elders held weekly meetings with the ministers to consult on the affairs of the parish. Acts of immorality were punished, as in England, by exposure on the stool of repentance in the face of the congregation. Persons loitering in the streets, or tippling and gaming during service time, were sent to prison.[2]

In this way the Scottish middle class received its political education. Men learned to act together in the Church courts, where they were not over-shadowed, as they were in their single

[1] The King to the Bishops, May 13, Sprott's *Scottish Liturgies*, Introd. xlviii. Compare Keble's feeling when he visited Scotland. "The kirks, and the manner in which they defile and insult the sacred places, *e.g.* Jedburgh Abbey, are even more horrid than I had expected. I would not be in one of them at service time on any consideration. They proclaim aloud, every inch of them, 'Down with the altar!'" Coleridge, *Memoir of Keble*, 350.

[2] *Brereton's Travels*, 106.

House of Parliament, by great lords and ministers of State. It was not an education which would encourage variety of character. The established principles of morality and religion were taken for granted in every discussion. But if the system bred no leaders of thought, it bound man to man in an indissoluble bond.

Political education of the middle class.

Such courts necessarily placed themselves in opposition to the bishops, who were every year becoming more distinctly the instruments of Laud. As the bishops of the stamp of Patrick Forbes died, they were succeeded by men after Laud's own heart, such as Wedderburn and Sydserf. Yet, even these men would hardly have entered on a hopeless struggle with the popular feeling, but for the urgency of Laud. Laud, indeed, was far too strong an advocate of ecclesiastical propriety, to attempt to interfere as Archbishop of Canterbury with the Scottish Church. If, however, the King asked his advice as a private person, he saw no reason why he should decline to give it. Nor did he see any reason why he should not convey the King's directions to the Northern prelates, if Charles asked him to do so. He therefore conveyed instructions to the bishops as if he had been the King's secretary, remonstrated with proceedings which shocked his sense of order, and held out prospects of advancement to the zealous. Scotchmen naturally took offence. They did not trouble themselves to distinguish between the secretary and the Archbishop. They simply said that the Pope of Canterbury was as bad as the Pope of Rome.

Growing opposition to Episcopacy.

Laud and the Scottish bishops.

In the meanwhile, preparations for applying a remedy to the evils which were supposed to afflict the Church of Scotland were strenuously urged on in London. A draft of the new canons was submitted by the King to Laud and Juxon, and a draft of the new Prayer Book to Laud and Wren. The alterations proposed were forwarded to Scotland for the approval of the Scottish bishops; but the brain which had conceived them was that of the restless Archbishop of Canterbury.

1635. The canons and the Prayer Book.

The canons authorised in 1635 were issued in the following year. In them is to be discerned an attempt to bridge over

the gap between the bishops and the parochial courts. There were to be diocesan and national synods; and such synods, if fairly constituted and fairly treated, might have gone far to keep the existing constitution of the Church in working order. But the mode in which these canons were issued was in itself an unmistakable intimation that Charles had no intention of seriously consulting either the clergy or the laity. They came forth to the world on the Royal authority alone. Even High Churchmen in the next generation shook their heads at the slight shown to the Church. Two or three of the bishops had been privately consulted on the matter, and that was all.[1]

1636. Issue of the canons.

The canons thus sent into the world contained some good advice. Ministers were directed to abstain from long and tedious sermons, and to inculcate the duty of righteousness of life as well as that of doctrinal orthodoxy. Other commands there were, which no one who had the slightest respect for the feelings of Scotchmen would have thought of inserting. The communion-table was to be placed 'at the upper end of the chancel or church.' Though 'sacramental confession and absolution' had in some places been abused, all who felt their consciences burdened were to be encouraged 'to confess their offences to the bishop or presbyter.' In every department of ministerial work the minister was to be strictly subordinated to the bishop, and above the bishops stood the King, whose authority was to be exercised in all ecclesiastical causes in the same way as that which 'the godly kings had among the Jews, and the Christian emperors in the Primitive Church.' The Prayer Book, as yet unpublished, was already placed under the guardianship of the law of the Church. To assert that it contained 'anything repugnant to the Scriptures,' or that it was 'corrupt, superstitious, or unlawful,' was to incur excommunication.[2]

Like the canons, the Prayer Book was submitted to no ecclesiastical body whatever.[3] Of the few bishops who had

[1] Burton, *Hist. of Scotland*, vi. 397.

[2] Canons, *Laud's Works*, v. 583.

[3] For the earlier history of this Prayer Book, see Vol. VII. p. 282.

been consulted, not one had any knowledge of the temper of the nation; and one of them, Wedderburn, Bishop of Dunblane, had spent many years of his life in England. He strongly advocated the omission, from the sentences spoken at the administration of the Communion, of the clauses which owed their origin to the second Prayer Book of Edward VI. These clauses, he said, seemed 'to relish somewhat of the Zwinglian tenet that the Sacrament is a bare sign, taken in remembrance of Christ's passion.' This argument, as a mere matter of reasoning, may have been good enough. The clauses from the first Prayer Book of Edward VI. which he proposed to retain lent themselves easily to the Calvinistic doctrine of a real, though spiritual, presence. What was wanting to Wedderburn was the imaginative eye which could see beyond the shelves of his episcopal library to the manses of the country clergy, and the ability to discover that any unnecessary change was certain to arouse suspicion.[1] Nothing can be more unfair than to argue that the authors of this unlucky liturgy had any intention of approximating to the Roman ritual; but they could hardly have given greater offence if they had introduced the missal at once. If the old forms of prayer contained in Knox's *Book of Common Order* were to be abolished, it was only natural that a bewildered people, who had not even been consulted on the subject, should ask themselves what was the hidden object with which the change had been made.

The Prayer Book disliked as Popish.

Other alterations, slight in themselves, pointed in the same direction as the omission of the strongly Protestant clauses in the administration of the Communion. Another defect was almost equally fatal. Whether the book was Popish or not, there could be no doubt that it was English. It had been touched and re-touched by English hands. The knowledge that this had been the case was enough to make it odious in Scotland. Even if the gift offered by Laud

The Prayer Book disliked as English.

[1] *Laud's Works*, iii. 357. Wedderburn, however, was not the first to originate the proposal. It is acted upon in the MS. corrections, probably made in 1628, to a Prayer Book now in the British Museum. *Egerton MSS.* 2417.

had been one of priceless value, it would have been dashed scornfully aside.

In such a cause, the clergy and their congregations were certain to be of one mind. Here and there, no doubt, there were a few men who, like Robert Baillie, of Kilwinning, had done their best to fit themselves into the scheme of Church government which existed around them, whilst keeping themselves as much as possible aloof from bishops on the one side, and from fanatics on the other. It was precisely men of this class that Charles was doing everything in his power to alienate. Yet there is every reason to believe that neither Charles nor Laud had any conception that the new Prayer Book would meet with any serious opposition. It has sometimes been asked whether Charles was urged on by love of despotism or love of religion. It does not need much knowledge of his character to see that neither of these formed the motive power. What he was doing he did from a love of order, combined with sheer ignorance of mankind. He could see nothing in the book but the decent comeliness of its arrangements and the well-chosen suitability of its expressions.[1]

The moderates.

To the very last, Laud thought more of polishing the language of the Prayer Book than of securing for it a favourable reception. It was printed and reprinted, till it seemed to have reached typographical perfection. In October 1636, Charles wrote to the Privy Council informing them that, 'having taken the counsel of his clergy,' he thought fit that the book should 'be used in God's public worship.' In December a proclamation ordered every parish to adopt it, and to procure two copies of it before the following Easter.[2]

Oct. 18. Orders to enforce the use of the Prayer Book.

December.

[1] One of the parts of the book which gave offence was the direction for the position of the minister at the consecration. See Burton, *Hist. of Scotland*, vi 424. The book at Lambeth, which has Laud's annotations, differs from the Scottish book in directly ordering the eastward position. Possibly, though the handwriting is Laud's, the suggestion may have been Wren's.

[2] The King to the Council, Oct. 18, *Balfour*, ii. 224. *The Preface to the Prayer Book.*

Easter came, and still the book was not ready. Rumours were rife that it had been seen in England, and that it differed from the English Prayer Book 'in addition of sundry more Popish rites.' Others whispered that it was merely the Mass in disguise. As time went on, the impending danger grew more terrible in its vagueness. Yet it is worthy of notice that there was as yet no thought of resistance. The utmost to which extreme Puritans ventured to aspire was permission to form themselves into a nonconformist body, worshipping apart with the connivance of the Government.[1]

1637. Delay in its appearance.

At last, in the spring of 1637, the long-dreaded volume reached Scotland. In May every minister received orders to buy two copies on pain of outlawry. The bishops, though they had never consulted their synods on the preparation of the book, now called them together to urge them to obedience. Openly no word of resistance was heard. It was hard for a single minister to expose himself to certain ruin. But in private men spoke their minds more freely. The Book, they said, was more Popish than the English one. It had no authority either from Assembly or Parliament. The Scottish Puritan feeling and the Scottish national feeling were rising higher every day.

May. It reaches Scotland.

It was hardly likely that the temper thus aroused would be suffered to die away for lack of leadership. Though, with one or two brilliant exceptions, the Scottish nobles of that day were not remarkable for ability, they had the habit of authority which had long been lost by the English Peers, and they would ill brook the continuance of a system which placed the bishops above their heads. It is easy to speak of the zeal of men like Rothes and Loudoun as sheer hypocrisy. It is far more likely that they felt strongly in a direction in which it was their interest to feel strongly. Men of advanced age could indeed remember that the yoke of Presbytery had once been as heavy as the yoke of Episcopacy. Men who were even of middle age knew nothing of Presbyterianism

Temper of the nobility.

[1] *Baillie*, i. 4.

except by report. They saw the bishops outvying them in the Royal favour, and reducing them to comparative insignificance even on their own estates. Whatever religious feeling was in them had been nurtured through the old Calvinistic doctrine, and jealousy for the national honour of Scotland burnt in them as strongly as in their tenants and dependents.

It is impossible to say with certainty what truth there may be in the story that a meeting in which some of the malcontent nobles took part with the leading clergy and a few of 'the devouter sex,' was held in Edinburgh for the purpose of organising resistance.[1] Attachment to tried religious forms is always stronger in women than in men, and it may well be that some of the Edinburgh ladies stirred up the indignation of the fishwives and serving-women of the city. But no mistake would be greater than to imagine that they created the spirit which they directed. The insult to the Scottish nation and the Scottish Church was one to kindle resentment in the humble and the exalted alike.

June. Alleged meeting at Edinburgh.

July 23 was at last fixed as the day on which the patience of the citizens of Edinburgh was to be put to the test, in the hope that the submission of the capital would furnish an example to the rest of the country. The confidence felt by the bishops received a rude shock. At St. Giles', recently erected into the Cathedral Church of the new diocese of Edinburgh, a large number of maid-servants were gathered, keeping seats for their mistresses, who were in the habit of remaining at home till prayers were over and the preacher was ready to ascend the pulpit. The Dean opened the book and began to read. Shouts of disapprobation from the women drowned his voice. "The Mass," cried one, "is entered amongst us!" "Baal is in the church!" called out another. Opprobrious epithets were applied to the Dean. Lindsay, the Bishop of Edinburgh, ascended the pulpit above the reading desk, and attempted to still the tumult. He begged the noisy zealots to desist from

July 23. The reading of the book.

The tumult in St. Giles'.

[1] The story comes from Guthry's *Memoirs*, 23. It was written down after the Restoration, and is certainly inaccurate in its details.

their profanation of holy ground. The words conveyed an idea which was utterly abhorrent to the Puritan mind, and the clamour waxed louder under the ill-judged exhortation. A stool aimed by one of the women at the Bishop all but grazed the head of the Dean. At this final insult Archbishop Spottiswoode called on the magistrates to clear the church of the rioters. The noisy champions of Protestantism were with much difficulty thrust into the streets, and the doors were barred in their faces. They did not cease to knock loudly from without, and to fling stones at the windows. Amidst the crash of broken glass, the service proceeded to the end. One woman, who had remained behind unnoticed, stopped her ears with her fingers to save herself from the pollution of the idolatrous worship, whilst she read her bible to herself. Suddenly she was roused by a loud Amen from a young man behind her. "False thief!" she cried, dashing her bible in his face, "is there no other part of the kirk to sing Mass in, but thou must sing it in my lug?" When the doors were at last thrown open, and the scanty congregation attempted to withdraw, the crowd outside dashed fiercely at the Bishop. But for the intervention of the Earl of Wemyss, he would hardly have escaped alive.

The afternoon service.

Such Privy Councillors as could be hastily convened gave immediate orders to the magistrates to protect the afternoon service. Guards were marched to the church, and a select few were alone permitted to enter. Special directions were given that no woman should be allowed to pass the doors. The Earl of Roxburgh drove the Bishop home in his coach amidst a shower of stones. His footmen were obliged to draw their swords to keep off the mob.[1]

[1] Setting aside later narratives, we have two contemporary accounts to rest on, one from the King's *Large Declaration*, the other, written in a violent Puritan spirit, printed in the Appendix to Rothes' *Proceedings*. On the whole they agree very well together. Both agree that only one stool was thrown. The tradition which names Jeanie Geddes as the heroine of the day has long been abandoned. See Burton's *History of Scotland*, vi. 443. Long afterwards Wodrow stated that it was 'a constant believed tradition that it was Mrs. Mean, wife to John Mean, merchant,' *i. e.* shopkeeper, 'of Edinburgh, that cast the first stool.' He thought that

The next day the Council met. It can hardly be doubted that its lay members sympathised heartily with any kind of resistance to the bishops. Sir Thomas Hope, the Lord Advocate, is said to have been one of those who instigated the disturbance. Lord Lorne, the heir of the Catholic Earl of Argyle, a man of scheming brain and consummate prudence, is not likely to have gone so far. But he shared in the prevalent feeling, and had recently come to high words with the Bishop of Galloway on the subject of the imposition of fine and imprisonment on one of his followers by the High Commission.[1] For the present, however, the guidance of affairs rested in the hands of the Lord Treasurer, the Earl of Traquair. In after times Traquair was accused of playing a double game. It is more probable that he had no sympathy with either party. A cool and wary man of business, immersed in the details of government, he fell a victim to his attempt to play the moderator in the impending collision of fanaticisms. He had opposed the bishops when they attempted to force their own ideas on an unwilling Church, especially as he had reason to believe that one of their number, Bishop Maxwell, was intriguing to supplant him as Treasurer of Scotland. But by instinct and position he disliked the domination of a mob, and especially of a mob with clerical backers. Such a man was capable of conveying words of common sense to Charles's ear, though it was most improbable that they would ever penetrate to his mind.

July 24. The Privy Council. Sir T. Hope. Lorne. Traquair.

The Council, in appearance at least, took instant measures to carry out the King's wishes. Six or seven of the rioters were arrested. The Edinburgh ministers were assured that they might read the prayers without danger, and the magistrates were ordered to protect them in so doing. As far as words could go, the Council had done its duty. Words,

Action of the authorities.

many stools were thrown, and that 'many of the lasses that carried on the fray were prentices in disguise, for they threw stools to a great length.' If so, the prentices must have been singularly incapable of taking a good aim at the Bishop's head. Gordon's account is a mere copy of the Declaration with a few additions.

[1] *Baillie*, i. 16.

however, would not suffice. Some of the ministers had no wish to read the book, and those who were willing to read the book did not wish to risk being torn in pieces by the mob. They declared that they had no confidence in the power of the magistrates to preserve order, and it is not unlikely that most of the councillors were of the same opinion. At Spottiswoode's motion, both the old and the new forms of prayer were suspended in Edinburgh till the King's pleasure could be known. The sermons were to be delivered as usual.[1]

Dissatisfaction of the King.

The King was not likely to be satisfied with such timidity. Of the difficulties of his representatives in Scotland he understood nothing. He ordered strict measures of repression to be taken. He forgot to inquire whether the Government had force enough at its disposal to enable it to carry out his orders. As soon as the magistrates attempted to do as they were bidden they found that the rioters had all Edinburgh at their backs. The Privy Council gave to the magistrates but a lukewarm support. Its lay members threw the blame on the bishops. The bishops threw it back on the laymen. Laud, writing by the King's orders, distributed it equally between both. He scouted the idea of abandoning the Prayer Book because a band of secret conspirators had hounded on an unruly mob against it. "It was unworthy of the bishops," he said, "to disclaim the book as their own. It was their work, and it was for them to support it." "Will they now," he added, "cast down the milk they have given because a few milkmaids have scolded at them? I hope they will be better advised."[2]

August 7. Laud's view of the case.

August 19. Failure to enforce the King's orders.

It was easy to write thus in the safe privacy of Lambeth: but it was hard to obey the command at Edinburgh. The magistrates stated plainly that no one would read the service on any conditions. They had offered a large sum of money to anyone who would do so, but none had been found sufficiently hardy to accept the offer.[3]

[1] *Baillie*, i. 18, 447. Gordon, *Hist. of Scots Affairs*, i. 12.

[2] Laud to Traquair, Aug. 7, *Works*, vi. 493.

[3] The Magistrates to Laud, Aug. 19, *Large Declaration*, 28.

The viragoes of St. Giles' were backed by the population of Edinburgh. If Edinburgh were backed by Scotland Charles would have work enough before him. A threat of outlawing the ministers who had refused to purchase their two copies of the Prayer Book put the feeling of the country clergy to the test. Petitions drawn up in due legal form began to drop in upon the Council. The only one which has reached us was drawn up by Alexander Henderson, Minister of Leuchars. Its wording carried the controversy out of the region of passion into the region of argument. Henderson descended into the strife as a champion worthy of a great cause. He had not leapt forward impatiently to testify his displeasure at the proceedings of the bishops. He had not been hasty to judge the practice of kneeling at the Communion as altogether evil. The time had now come when it behoved every honourable man who believed, as he believed, in the old Scottish creed, to lift up his voice on behalf of his Church and nation. Henderson would not be the more likely to hang back in the end, because his protest was studiously moderate now. He did not say, as so many others were saying, that the new Prayer Book was actually Popish, but he professed his readiness to argue that it contained matters 'far from the form and worship and reformation' of the 'Kirk,' and 'drawing near in material points to the Church of Rome.' It was not in this reasoning, however, that the main stress of his argument lay. The old form of worship, he said, had been recognised by Assembly and Parliament. The new form of worship had been recognised by neither. Further, the Church of Scotland was free and independent. Its own pastors knew best what was suitable to their people, who 'would be found unwilling to the change when they should be assayed.'[1]

Aug. 23. Henderson's petition.

In these sober words Henderson raised a standard of resistance for the Scottish people. He did not plead the cause of Presbyterianism against Episcopacy. He simply announced that the religion of a people was under its own guardianship.

Meaning of Henderson's protest.

Charles was in a great strait. Humiliating as it would have

[1] Supplication, *Baillie*, i. 449.

been if his authority in Scotland had alone been at stake, a frank acknowledgment of his mistake would doubtless have been his wisest course. The shock which his authority would receive could not, however, be limited to Scottish ground. What was true in Scotland was also true in England, and the artificial edifice of the Laudian Church would feel the blow struck at the house of cards which had been built up beyond the Tweed. Nor was it easy to persuade Charles that the riot in Edinburgh had been a genuine result of popular indignation. He saw in it only the concealed hands of the angry nobles, grasping at Church lands and at the dignities worthily accorded to men who were better than themselves.

Charles cannot draw back.

How was Charles to procure obedience in Scotland? Military force he had none, and the Scottish Council was likely to yield him but a half-hearted support, even if it yielded him any support at all. Only in five or six places was the Prayer Book read. When Henderson appeared before the Council he was accompanied by a crowd of gentry. Letters which poured in from distant parts left no doubt that the feeling in his favour was not confined to the neighbourhood of the capital. Even if the Council had been willing to take severe measures, it would have been helpless to overcome resistance. Henderson was told that he had been ordered to buy the books, not to read them. "We found ourselves," wrote the Council to Charles, "far by our expectations surprised with the clamours and fears of your Majesty's subjects from almost all the parts and corners of the kingdom, and that even of those who otherways had heretofore lived in obedience and conformity to your Majesty's laws, both in ecclesiastical and civil business, and thus we find it so to increase that we conceive it to be a matter of high consequence in respect of the general murmur and grudge in all sorts of people for urging of the practice of the Service Book, as the like hath not been heard in this kingdom." They could therefore only leave it to his Majesty, 'in the deepness of his Royal judgment, to provide a remedy.'[1]

Aug. 23. The Council does not support him.

Aug. 25. Their letter to the King.

[1] Act of Council, Aug. 25. The Scottish Council to the King, *Baillie*,

Charles had no remedy to provide. He sent back a scolding answer, in which he found fault with everyone except himself, and ordered the immediate enforcement of the use of the Prayer Book. No magistrates were to be allowed to hold office in any borough who would not give their support to the new service.[1]

Sept. 12. Charles's answer.

In Edinburgh a few partisans of Charles's ecclesiastical system were still to be found amongst the official class. Sir John Hay, the Clerk Register, was thrust as Provost upon the unwilling townsmen. Nowhere else was such an arrangement possible. "If it were urged," wrote Baillie, "we could have in all our towns no magistrates at all, or very contemptible ones."[2] Those ministers who in any place tried to read the book were roughly handled, especially by the women. When the Council met to take the King's last letter into consideration, it was evident that nothing could be done to carry out his orders. Petitions poured in from every quarter. Twenty noblemen, with a crowd of gentlemen and ministers in their train, appeared to enforce by their presence the language of the petitions.[3] The Council could but assure Charles that they had done their best, sending him, at the same time, the petitions, sixty-eight in number, for his perusal.[4]

Sept. 18. The new Provost of Edinburgh.

General resistance

Sept. 20.

Before long there was worse news to be told. The new Provost had attempted to hinder the town from sending in a petition against the Prayer Book. An angry mob burst into the Tolbooth, where the Town Council was in session. "The Book," they shouted, "we will never have." They forced the magistrates to promise that the petition should be sent. This second entry of the mob upon the scene shocked some even of those who had no love for the bishops "What shall be the event," wrote Baillie, "God knows. There was in our land never such an appear-

Sept. 25. Second riot in Edinburgh.

i. 449, 451. Traquair to Hamilton, Aug. 27. Burnet, *Lives of the Dukes of Hamilton*, ii. 18.

[1] The King to the Council, Sept. 12, *Baillie*, i. 452.

[2] *Ibid.* i. 25. [3] *Rothes*, 7. *Baillie*, i. 33.

[4] The Council to the King, Sept 20, *Baillie*, i. 453.

ance of a stir. The whole people thinks Popery at the doors . . . No man may speak anything in public for the King's part, except he would have himself marked for a sacrifice to be killed one day. I think our people possessed with a bloody devil, far above anything that ever I could have imagined, though the Mass in Latin had been presented. The ministers who have the command of their mind do disavow their un-Christian humour, but are no ways so zealous against the devil of their fury as they are against the seducing spirit of the Bishops."[1]

If such was the language of a Scottish minister, what must have been Charles's indignation? The courtiers at Whitehall might persuade themselves that but for Laud's interference he would have given way.[2] It is far more likely that, whether Laud had been there or not, he would have persisted in the course which he believed to be the course of duty. "I mean to be obeyed," were the words which rose to his lips when he was interrogated as to his intentions.[3]

Persistence of Charles.

Even Charles, however, could see that he could not expect to be obeyed at once. He must postpone, he wrote, his answer on the main subject of the petitions. For the present, therefore, the Council were to do nothing in the matter of religion; but they must try to punish the ringleaders of the late disturbances, and they must order all strangers to leave Edinburgh on pain of outlawry.[4] Another letter directed the removal of the Council and the Court of Session—first to Linlithgow, and afterwards to Dundee.[5]

Oct. 9. His directions to the Council.

The Council and the Court of Session to be removed.

If Charles had had no more than a riot to deal with, it would have been well that the offending city should learn that the lucrative presence of the organs of government and justice

[1] *Baillie*, i. 23.

[2] Corer to the Doge, Sept. $\frac{15, \text{ Sept. } 22}{25, \text{ Oct. } 2}$, *Ven. MSS.*

[3] Con to Barberini, Oct. $\frac{13}{23}$, *Add. MSS.* 15,390, fol. 453.

[4] The King to the Council, Oct. 9, *Balfour*, ii. 23.

[5] This letter has not been preserved, but is referred to in a subsequent proclamation.

could only be secured by submission to the law. Because he had more than a riot to deal with, his blow recoiled on himself. He had chosen to fling a defiance in the face of the Scottish nation, and he must take the consequences.

When these letters arrived in Edinburgh the petitioners had returned to their homes, not expecting so speedy an answer. But they had left behind the shrewdest of lawyers, Archibald Johnston of Warriston, and Johnston at once gave the alarm. On October 17 they were back again, black-gowned ministers and gay noblemen, waiting for what might befall. In the evening the substance of the King's orders was proclaimed from that Market Cross [1] where, according to legend, a ghostly visitant had taken his stand to summon Charles's ancestor from the field of Flodden to the judgment-seat of God. The simple officer who read the formal words of the proclamation was as truly the messenger of ill to Charles. He was pointing to the track which led to the battle-field, the prison, and the scaffold.

Johnston of Warriston.

Oct. 17. The proclamations.

The next morning all Edinburgh was astir. The city had not, like London, an independent commercial life of its own. To lose the Council and the Court of Session was to dwindle to the insignificance of a provincial town. The inhabitants, whose very means of livelihood was at stake, raved against the bishops as the cause of the mischief. Bishop Sydserf, of Galloway, who was reported to wear a crucifix beneath his dress, was driven by an angry crowd to take refuge in the council house. Another crowd surrounded the magistrates, and insisted on their joining in a protest. The magistrates, glad to escape with their lives, did all that was required. The mob still thronged the streets, shouting, "God defend all those who will defend God's cause, and God confound the service book and all the maintainers of it." Traquair came out to quell the tumult. Hustled and thrown down, he struggled back with loss of hat and cloak, as well as of his white rod of office. Sydserf was still a prisoner in the council house. The Provost declared that he was unable to help him.

Oct. 18. The third riot at Edinburgh.

[1] Proclamations, Oct. 17, *Large Declaration*, 33.

No one else ventured to move a finger in his behalf. One course, dishonourable as it was, remained to be tried. The noblemen and gentry who had been ordered the day before to leave Edinburgh were sitting in consulation on the best way of opposing the King's orders. To them the King's Council sent, begging them to use their influence with the enraged multitude. What the King's representatives were powerless to effect, his opponents did with the greatest ease. The Lord Provost of Edinburgh and the whole body of the Privy Council, including the fugitive bishop, only reached their homes under the protection of the men who were treated as rebels by their master.[1]

Contrast between Charles and his father.

Forty-one years earlier, Charles's father had quelled a Presbyterian riot by the removal of the Council and the Court of Session from Edinburgh. He had been able to do so because he had the nobility and the country at large on his side. The men who guarded his councillors through the streets were no longer as their fathers had been on the side of the King against the capital.

The General Supplication.

The reply of the petitioners was a general supplication, in which the bishops were pointed at as the authors of the calamities of the Church. Charles was asked to allow them to be put on their trial, and, as they were now parties in the case, to prohibit them from sitting in the Council as judges of matters relating to the present dispute.[2]

The petitioners assume the offensive.

The petitioners had thus changed their defence into an attack. Not we, they said in effect, but the bishops are the breakers of the law. The demand that the bishops should not be judges in their own case was the same as that which, four months before, had been received with derision when it proceeded from the lips of Bastwick in the English Star Chamber. In the heat of discussion before the Council, Bishop Sydserf and Sir John Hay threw out a suggestion which had unexpected consequences. Why should not the mass of the petitioners return home, leaving behind a

[1] *Rothes*, 19. *Large Declaration*, 35. Gordon again simply borrows from the Declaration. It is quite a mistake to treat him, as Mr. Burton does, as an original authority for these events.

[2] *Large Declaration*, 42.

few of their number to speak in their name? The petitioners took them at their word. They chose a body of commissioners from amongst themselves. From that moment, if the nation rallied round the new commissioners, it would have a government, and that government would not be the King's. There were no more riots in Edinburgh.[1]

They choose commissioners.

[1] *Rothes*, 17. *Baillie*, 35, 38.

CHAPTER LXXXVI.

THE SCOTTISH COVENANT.

To a man of practical instincts, like Traquair, the outlook in Scotland, after the nomination of the popular commissioners, was indeed pitiable. "I am in all things," he wrote, "left alone, and, God is my witness, never so perplexed what to do. Shall I give way to this people's fury, which, without force and the strong hand, cannot be opposed?" It was hard for him to believe that a compromise was no longer possible. Why, he asked Rothes, could they not agree to accept the English Prayer Book as it stood? Rothes would not hear of it, and the resolution of Rothes was the resolution of his countrymen.[1]

Oct. 19. Traquair's proposal.

On November 15, the petitioners returned to Edinburgh. Their commissioners, hastily chosen, were to give way to a more permanent body, composed of six or more noblemen, two gentlemen from each shire, one townsman from each borough, and one minister from each presbytery. Traquair, seeing that authority was slipping out of his hands, remonstrated warmly; but Sir Thomas Hope, the Presbyterian Lord Advocate, gave an opinion that the petitioners were acting within their rights, and further opposition was impossible.[2]

Nov. 15. Organisation of the commissioners.

In the persons of the commissioners, Scotland waited, not impatiently, for an answer. If Charles could frankly abandon the Service Book, as Elizabeth had once abandoned the monopolies, he might, perhaps, have saved some fragments of

[1] Traquair to Hamilton, Oct. 19, *Hardwicke S. P.* ii. 95. *Rothes*, 22

[2] *Ibid.* 23.

authority for the bishops. He could not even make up his mind to announce his intentions plainly. On December 7, a proclamation issued at Linlithgow, where the Council, in obedience to the King, was now sitting, declared that, on account of the riots at Edinburgh, the answer to the supplication would be delayed. All that Charles had to say was, that he abhorred Popery, and would consent to nothing which did not tend to the advancement of the true religion as it was 'presently professed' in Scotland. "Nothing," the proclamation ended by saying, "is or was intended to be done therein against the laudable laws of this His Majesty's native kingdom."[1]

Scotland waits for an answer.

Dec. 7. The proclamation at Linlithgow.

Scotsmen had made up their minds with almost complete unanimity that those laudable laws had been broken. In vain Traquair begged that the King should be propitiated. The deputation from the City of Edinburgh might wait on him at Whitehall, 'offering him their charter and the keys of their gates,' as a mere matter of course.[2]

Dec. 21. The Supplication and Declinator.

The commissioners would not hear of the suggestion.[3] It must be settled once for all, whether it was in accordance with the law of Scotland that a king could change the forms of worship without the sanction of any legislative assembly whatever.

Dec. 8.

At last, on December 21, a copy of the General Supplication which had been drawn up in October, was formally handed in by the commissioners to the Privy Council, accompanied by a formal demand that the case between themselves and the bishops might be judicially determined, and that the bishops might in the meanwhile be removed from the Council.

Dec. 21. Protest against the bishops remaining in the Council.

Before long, Charles sent for Traquair, to hear from his own mouth his opinion on the state of affairs in Scotland. It would have been well if he had more seriously attended to that cool and dispassionate adviser. The Lord Treasurer assured him that the Scottish people had no wish to cast off his authority, but that they would not

1638. February. Traquair in London.

[1] Proclamation, Dec. 7, *Large Declaration*, 46. [2] *Rothes*, 43.
[3] Bill and Declinator, Dec. 21, *ibid.* 50.

look on idly whilst their religion was assailed. Above all, they were proud of their ancient independence, and they would not take orders from the Archbishop of Canterbury.[1] His Majesty must plainly understand that, if he wished the new Prayer Book to be read in Scotland, he must support it with an army of 40,000 men.

To withdraw the Service Book and to assert his civil authority was the substance of this advice. Charles listened, but was not convinced. Traquair was sent back with orders to issue a proclamation which was virtually a declaration of war.[2]

That proclamation was read on February 19, in the streets of Stirling, where the Council, after leaving Linlithgow, had been allowed to take up its quarters, rather than in the more distant Dundee. Charles truly asserted that he, and not the bishops, was responsible for the issue of the Prayer Book. "As much," he said, "as we, out of our princely care of maintenance of the true religion already professed, and for beating down of all superstition, having ordained a Book of Common Prayer to be compiled for the general use and edification of our subjects within our ancient kingdom of Scotland, the same was accordingly done, in the performing whereof we took great care and pains so as nothing passed therein but what was seen and approved by us, before the same was either divulged or printed, assuring all our loving subjects that not only our intention is, but even the very book will be a ready means to maintain the true religion already professed, and beat out all superstition, of which we in our time do not doubt but in a fair course to satisfy our good subjects." His Royal authority, he proceeded to say, was much impaired by the petitions and declarations which had

Feb. 19. The King's defence of the Prayer Book.

[1] Zonca to the Doge, Jan. $\frac{19}{29}$, Feb. $\frac{2,\ \text{Feb. } 23}{12,\ \text{March } 5}$, *Ven. Transcripts, R. O.*

[2] "Your Lordship can best witness how unwilling I was that our master should have directed such a proclamation; and I had too just grounds to foretell the danger and inconveniences which are now like to ensue thereupon." Traquair to Hamilton, March 5, *Hardwicke S. P.* ii. 101. Mr. Burton must have overlooked this passage when he wrote that the proclamation was 'too nearly in the tone of the advice which Traquair had given.' *Hist. of Scotland*, vi. 477.

been sent to him. All who had taken part in them were liable to 'high censure, both in their persons and their fortunes,' as having convened themselves without his permission. He was, however, ready to pass over their fault, provided that they returned home at once, and abstained from all further meetings. If they disobeyed, he should hold them liable to the penalties of treason.[1]

Charles could not see why, if the Prayer Book had satisfied himself, it should not satisfy others. The objection that it had no legal authority he treated with contemptuous disregard. All the more tenaciously did the Scottish leaders cling to legal forms. As soon as the herald had finished his task, Johnston stepped forward to protest against the proclamation in their name. They treated it as the work of the Council alone, and announced that from that body they would accept no orders as long as the bishops retained their places in it. They demanded to have recourse to their 'sacred sovereign, to present their grievances and in a legal way to prosecute the same before the ordinary competent judges, civil or ecclesiastical.'[2]

The Protestation.

If this appeal to the law was to have any weight with Charles, it must be supported by an appeal to the nation. Rothes, who had been placed by his energy and decision at the head of the movement, despatched a circular letter to the gentlemen who had not hitherto supported the cause, urging them to lose no time in giving in their adhesion. The next step was to complete the work of organisation. The commissioners appointed in November had been found too large a body to act as a central authority. From time to time a select committee had been appointed to communicate with the Council, and that committee had been naturally selected from the different classes of which the nation was composed. Four separate committees were now appointed; one formed of all noblemen who might choose to attend, the other three of four gentlemen, four ministers, and four borough representatives respectively. These committees might meet

Rothes's circular.

The Tables set up.

[1] Proclamation, Feb. 19, *Large Declaration*, 48.

[2] Protestation, Feb. 19, *ibid.* 50.

either separately or as one body. Sometimes to them, and sometimes to the larger body of the commissioners, the name of The Tables was given, in the popular language of the day.[1]

These committees might form an unauthorised Government, and the commissioners an unauthorised Parliament; but unless more were done, they would speak in their own name alone. Even Rothes's circular had been directed only to the upper classes. It was necessary to touch the multitude. The thousands to whom it was a matter of indifference whether the Church were ruled by bishops or by presbyters, had been deeply wounded by the threatened interference with their worship. The plan by which their inarticulate dissatisfaction was converted into a definite force was suggested by Archibald Johnston.

Feb 23. An appeal to the nation necessary.

In the days in which life and property had found no security from the law, the nobility and gentry of Scotland had been in the habit of entering into 'bands' or obligations for mutual protection. In 1581, when the country was threatened by a confederacy of Catholic noblemen at home, supported by a promise of assistance from Spain, James had called on all loyal subjects to enter into such a 'band' or covenant. Those who had signed this covenant pledged themselves to renounce the Papal doctrines, to submit

Proposal to renew the Covenant of 1581

[1] The question of the exact meaning of The Tables is not easy to answer. Row (*Hist. of the Kirk*, 486) speaks of the Commissioners by this name. Gordon, who is followed by Mr. Burton, confuses the Commissioners with the Committees. The *Large Declaration* puts the appointment of The Tables at this date, limiting the number of the noblemen to four. I follow Rothes, in whose *Relation* the gradual development of The Tables can be traced. The Commissioners were chosen on Nov. 15 (p. 23). On Nov. 16 thirteen were solicited to wait on the Council (p. 26). On the 18th six of the gentry and some representatives of the boroughs remained in Edinburgh (p. 32). In December six or seven noblemen met with four out of each of the other classes to hold communication with the Council (p. 34). On Dec. 19 we hear of only twelve performing this office (p. 38). On Feb. 22 we are told, 'there was one Committee chosen of four barons, four boroughs, and four ministers, to join with the noblemen,' the number not being specified (p. 69). This seems to have been the ultimate form taken. At one important meeting on June 9 (p. 146) there were six noblemen present.

to the discipline of the Scottish Church, and to 'defend the same according to their vocation and power.' Johnston and Henderson were now entrusted with the composition of additions to this covenant appropriate to the actual circumstances, in order that the whole might be sent round to be subscribed by all who wished to throw in their lot with the resistance of the upper classes. As soon as Johnston and Henderson had completed their work it was revised by Rothes, Loudoun, and Balmerino, and on the 27th it was laid before the two or three hundred ministers who happened to be in Edinburgh at the time.[1]

Feb. 27.

The additions proposed consisted in the first place of a long string of citations of Acts of Parliament passed in the days of Presbyterian ascendency. To touch the heart of the people, something more than this was needed. "We," so ran the words which were soon to be sent forth to every cottage in the land, "Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons undersubscribing, considering divers times before, and especially at this time, the danger of the true reformed religion, of the King's honour, and of the public peace of the kingdom, by the manifold innovations and evils generally contained and particularly mentioned in our late supplications, complaints, and protestations, do hereby profess, and before God, His angels, and the world, solemnly declare that with our whole hearts we agree and resolve all the days of our life constantly to adhere unto and to defend the foresaid true religion, and—forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the kirk or civil places and powers of kirkmen, till they be tried and allowed in the Assemblies and in Parliaments—to labour by all means lawful to recover the purity and liberty of the Gospel, as it was established and professed before the foresaid novations. And because, after due examination, we plainly perceive, and undoubtedly believe, that the innovations and evils contained in our supplications, complaints, and pro-

The additions to the Covenant.

[1] *Rothes*, 69.

testations, have no warrant in the Word of God, are contrary to the articles of the foresaid confessions, to the intention and meaning of the blessed reformers of religion in this land, to the above written Acts of Parliament, and do sensibly tend to the re-establishing of the Popish religion and tyranny, and to the subversion and ruin of the true reformed religion and of our liberties, laws, and estates; we also declare that the foresaid confessions are to be interpreted and ought to be understood of the foresaid novations and evils, no less than if every one of them had been expressed in the foresaid confessions, and that we are obliged to detest and abhor them amongst other particular heads of papistry abjured therein; and therefore from the knowledge and conscience of our duty to God, to our King and country, without any worldly respect or inducement, so far as human infirmity will suffer, wishing a further measure of the grace of God for this effect, we promise and swear, by the great name of the Lord our God, to continue in the profession and obedience of the foresaid religion, that we shall defend the same and resist all these contrary errors and corruptions, according to our vocation, and to the uttermost of that power that God hath put in our hands all the days of our life; and in like manner with the same heart, we declare before God and men that we have no intention nor desire to attempt anything that may turn to the dishonour of God, or to the diminution of the King's greatness and authority; but, on the contrary, we promise and swear that we shall, to the uttermost of our power with our means and lives, stand to the defence of our dread Sovereign, the King's Majesty, his person and authority, in the defence of the foresaid true religion, liberties, and laws of the kingdom, as also to the mutual defence and assistance, every one of us of another in the same cause of maintaining the true religion and his Majesty's authority, with our best counsel, our bodies, means, and whole power, against all sorts of persons whatsoever; so that whatsoever shall be done to the least of us for that cause shall be taken as done to us all in general and to every one of us in particular; and that we shall neither directly nor indirectly suffer ourselves to be divided or withdrawn by whatsoever suggestion, combination, allurement,

or terror from this blessed and loyal conjunction, nor shall cast in any let or impediment that may stay or hinder any such resolution, as by common consent be found to conduce for so good ends; but, on the contrary, shall by all lawful means labour to further and promote the same, and if any such dangerous and divisive motion be made to us by word or writ, we and every one of us shall either suppress it, or if need be shall incontinent make the same known, that it may be timeously obviated; neither do we fear the foul aspersions of rebellion, combination, or what else our adversaries from their craft and malice would put upon us, seeing what we do is so well warranted and ariseth from an unfeigned desire to maintain the true worship of God, the majesty of our King, and the peace of the kingdom for the common happiness of ourselves and our posterity; and because we cannot look for a blessing from God upon our proceedings, except with our profession and subscription we join such a life and conversation as beseemeth Christians who have renewed their covenant with God we therefore faithfully promise for ourselves, our followers, and all others under us, both in public, in our particular families and personal carriage, to endeavour to keep ourselves within the bounds of Christian liberty, and to be good examples to others of all godliness, soberness, and righteousness, and of every duty we owe to God and man; and that this our union and conjunction may be observed without violation, we call the living God, the searcher of our hearts, to witness, who knoweth this to be our sincere desire and unfeigned resolution, as we shall answer to Jesus Christ in the great day and under the pain of God's everlasting wrath, and of infamy and of loss of all honour and respect in this world; most humbly beseeching the Lord to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with a happy success, that religion and righteousness may flourish in the land, to the glory of God, the honour of our King, and peace and comfort of us all." [1]

The Covenant thus worded was cheerfully accepted by the

[1] *Large Declaration*, 57.

ministers to whom it was proposed.[1] On the 28th it was carried to the Grey Friars' Church, to which all the gentlemen present in Edinburgh had been summoned. Henderson and another minister named Dickson, who was even more enthusiastic than himself, were prepared to give satisfaction to all who expressed doubt. Few came forward to criticise, and those few were easily persuaded. At four o'clock in the grey winter evening, the noblemen, the Earl of Sutherland leading the way, began to sign. Then came the gentlemen, one after the other, till nearly eight. The next day the ministers were called on to testify their approval, and nearly three hundred signatures were obtained before night. The commissioners of the boroughs signed at the same time.[2]

The Covenant signed by the nobility and gentry;

March 1. by the clergy;

On the third day the people of Edinburgh were called on to attest their devotion to the cause which was represented by the Covenant. Tradition long loved to tell how the honoured parchment, carried back to the Grey Friars, was laid out on a tombstone in the churchyard, whilst weeping multitudes pressed round in numbers too great to be contained in any building. There are moments when the stern Scottish nature breaks out into an enthusiasm less passionate, but more enduring, than the frenzy of a Southern race. As each man and woman stepped forward in turn, with the right hand raised to heaven before the pen was grasped, everyone there present knew that there would be no flinching amongst that band of brothers till their religion was safe from intrusive violence.[3]

March 2. and by the people.

Modern narrators may well turn their attention to the picturesqueness of the scene, to the dark rocks of the Castle crag over against the churchyard, and to the earnest faces around. The men of the seventeenth century had no thought to spare for the earth beneath or for the sky above. What they

[1] *Rothes*, 71. [2] *Ibid.* 79.

[3] The general signature is not described in contemporary accounts. The 28th and 1st were too fully occupied, and I have therefore assigned it to the 2nd, though there is no direct evidence about the date.

saw was their country's faith trodden under foot, what they felt was the joy of those who had been long led astray, and had now returned to the Shepherd and Bishop of their souls.

No one in Scotland had so much reason as Traquair to regret the King's ill-advised persistency. "Many things have been complained on," he wrote on the first day of signature; "but the Service Book, which they conceive by this proclamation, and the King's taking the same upon himself, to be in effect of new ratified, is that which troubles them most; and truly, in my judgment, it shall be as easy to establish the Missal in this kingdom as the Service Book, as it is conceived. The not urging the present practice thereof does no way satisfy them, because they conceive that what is done in the delaying thereof is but only to prepare things the better for the urging of the same at a more convenient time; and, believe me, as yet I see not a probability of power within this kingdom to force them; and whoever has informed the King's Majesty otherwise, either of the Book itself or of the disposition of the subjects to obey his Majesty's commandments, it is high time every man be put to make good his own part."[1]

Feb. 28. Traquair's letter.

Such views were not confined to Traquair. Spottiswoode, speaking on behalf of the bishops, avowed to the Council that peace was hopeless unless the Service Book were openly withdrawn. The Council itself was of the same opinion, and they despatched one of their number to the King to implore him to listen to the grievances of his subjects, and to suspend all those orders which had given rise to the late disturbances.[2]

March 1. Opinion of Spottiswoode,

March 2. and of the Council.

It is hardly likely that even the promptest acceptance of this advice would now have appeased the Scottish nation. The Covenant had appealed to Assembly and Parliament as the legal basis of the national religion, and no mere withdrawal of the obnoxious orders would any longer suffice. An Assembly and Parliament must meet to pronounce those orders to have been utterly and scandalously illegal.

An Assembly and Parliament demanded.

[1] Traquair to Hamilton, Feb. 28, *Hardwicke S. P.* ii. 99.

[2] Extracts from the Register of the Privy Council, *Baillie*, i. 458.

Even the lesser demand of the Council met with apparently insuperable resistance in Charles's mind. He knew well that it was not the fortune of Scotland only which was involved in his decision. Englishmen about him, he believed, in all probability with truth, were already in correspondence with the Northern malcontents, and were hoping that the example which had been set at Edinburgh might one day be followed in London. His Scottish servants were not lacking in sympathy with their countrymen.

Charles's reluctance to give way.

March 11. Archie Armstrong expel'ed from Court.

One poor example was made. Archie Armstrong, the King's fool, railed at Laud in his cups as a monk, a rogue, and a traitor. Laud was unwise enough to complain to the King. The unlucky jester was called before the Council, sentenced to have his coat pulled over his ears, to be discharged from the King's service, and to be sent before the Star Chamber for further punishment. The Star Chamber would probably have ordered him to be soundly flogged, but Laud at last interfered, and Archie escaped the lash.[1]

March 17. Archie excused a flogging.

Others besides Archie bore ill-will to Laud as the adviser of the King's refusal to content the Scots. The English Privy Councillors protested that they were not responsible for conduct on which their advice had not been asked. Charles was only annoyed at their evident belief that he had been acting under Laud's dictation. In an angry voice he assured the Council that he had never taken the advice of any Englishman in the affairs of Scotland.[2]

The English councillors throw the blame on Laud.

It needs no proof to show that Charles's policy of procrastination was indeed his own. Week after week passed away, with no resolution taken. The Covenanters were not so remiss. By the end of April wellnigh the whole of Scotland had rallied to their cause. In

The King's procrastination.

[1] *Council Register*, March 11, 17. Garrard to Wentworth, March 20, *Strafford Letters*, ii. 152. *Rushworth*, ii. 47.

[2] Zonca's despatches. $\frac{\text{March } 23,\ 30}{\text{April } 2,\ \ 9}$, *Ven. Transcripts, R. O.*

every town, in every village, in every secluded nook, the most influential landowners, the most eloquent preachers were ready to pour their arguments into willing ears. No doubt, as in every such movement, much is to be laid to the account of the excellence of the organisation provided by its leaders. Much of the reasoning used would hardly bear the test of a critical examination. Charles's Service Book certainly did not deserve all the hard things that were said of it. None the less was the resistance of Scotland the result of a determination to be true to the motto of the Scottish Thistle. Scotland has never at any time distinguished itself as the originator of new ideas in religion or government; but it has ever shown itself to be possessed of the most indispensable quality of a hardy and vigorous people, the determination to be itself, and not what external force might choose to make it. The Scottish nation had done well to pay a heavy price in the thirteenth century for its political independence. It did well in the seventeenth century to pay a heavy price for its ecclesiastical independence. For the sake of that, it renounced the wide sympathies of the cultured intellect, and hardened its heart like a flint against all forms of spiritual religion which did not accord with the fixed dogmatic teaching which it had borrowed from Geneva. Calvinism had but scant regard for the liberty of the individual conscience. Its preachers felt themselves called upon to set forth the unalterable law, and the law which they preached came back to them in the voice of their congregations. In the many there was no sense of any restriction placed by the system upon themselves. To the few it became an insupportable tyranny—a tyranny which would be more than ordinarily felt in the hours of danger through which the nation was then passing. To reject the Covenant was not merely to differ in belief from the multitude; it was to be a traitor to the country, to be ready to help on the foreign invasion which would soon be gathering in the South. Those who still held out were met with dark looks and threatening gestures. "The greater that the number of subscribents grew," we hear from one who remembered that time well, "the more imperious they were in

April. Circulation of the Covenant.

The Scottish resistance.

Treatment of those who refused to sign.

exacting subscriptions from others who refused to subscribe, so that by degrees they proceeded to contumelies and reproaches, and some were threatened and beaten who durst refuse, especially in the greatest cities—as likewise in other smaller towns—namely, at Edinburgh, St. Andrews, Glasgow, Lanark, and many other places. Gentlemen and noblemen carried copies of it about in portmantles and pockets, requiring subscription thereunto, and using their utmost endeavours with their friends in private for to subscribe. It was subscribed publicly in churches, ministers exhorting their people thereunto. It was also subscribed and sworn privately. All had power to take the oath, and were licensed and welcome to come in, and any that pleased had power and licence for to carry the Covenant about with him, and give the oath to such as were willing to subscribe and swear. And such was the zeal of many subscribents that, for a while, many subscribed with tears on their cheeks, and it is constantly reported that some did draw their own blood, and used it in place of ink to underscribe their names. Such ministers as spoke most for it were heard so passionately and with such frequency, that churches would not contain their hearers in cities. . . . Nor were they scrupulous to give the Covenant to such as startled, at any point thereof, with such protestations as in some measure were destructive to the sense thereof; so that they got subscriptions enough thereunto; and it came to that height in the end, that such as refused to subscribe were accounted by the rest who subscribed no better than Papists."[1]

Case of David Michell.

If honour be due to the nation which refused to shift its religion at the word of command, honour is also due to those who, from whatever conscientious motive, refused to sign their names to a lie for the sake of peace. Such men went about the streets of Edinburgh in fear of their lives. David Michell, one of the recusant ministers, was dogged by gentlemen with drawn swords. The cry of "If we had the Popish villain!" was thrown at him as he passed.[2] Yet it is worthy of notice that these threats led to nothing worse.

[1] *Gordon*, 45.

[2] Michell to the Bishop of Raphoe, March 19, *Baillie*, i. 263.

No bloodshed, except in avowed war, stained the cause of the Covenant.

Practically the nation was united. A few great landowners stood aloof from the movement. A few amongst the clergy took alarm. Scholars like Drummond of Hawthornden dreaded the rising flood of popular passion which threatened to overwhelm their quiet studies. Some there were who signed in defiance of their conviction, and many more who signed in ignorance of the meaning of their promises. But on the whole the nation swayed forward under the influence of strong excitement, as the cornfield sways under the breeze.

Practical unity of the nation.

To the King the Scottish Covenant was much more than an assertion of Puritanism. By its appeal from himself to Parliament and Assembly, it was in his eyes something very like a declaration of republicanism. Yet, resolved as he was to resist such pretensions to the utmost, he knew not where to turn for the force which he needed. Though he had little idea how deep the dissatisfaction in England was, he knew enough to be aware that there were many of his subjects who would not fight very enthusiastically in this cause. Army he had none, in the sense of a disciplined body of men, ready to act independently of the state of popular opinion, and his fleet would not be of much avail unless it could be used in support of an army.

What Charles thought of the Covenant.

It was at least possible to do something to improve the organisation of the navy. The Navy Commission which had been appointed on Buckingham's death was still in office, and Charles had perhaps intended that it should remain in office till his second son, James, whom he had created Duke of York, and who was not yet five years old, should become capable of performing the duties of a Lord Admiral. In view of the approaching conflict, it was necessary that some other arrangement should be made. Northumberland, who had commanded the fleet on its last year's cruise, was therefore created Lord Admiral during the King's pleasure. At the same time an instrument conveying the office to the young prince was executed, and consigned to

April 13. Northumberland Lord Admiral.

the safe recesses of the Council chest, to be drawn forth whenever the King wished it to be put in force.[1]

Northumberland fell ill shortly after his appointment, and was therefore unable to command the fleet in person. Even if it had been otherwise, no scheme of warlike preparation had been framed in which the fleet could possibly have taken part. Charles fell back on diplomacy. It was necessary for him 'to gain time' till he might be able to intervene with effect. Yet it would be to misunderstand his character and position, to suppose, as has been so often supposed, that he had made up his mind to deceive the Scots by offering concessions which he never intended to make. He knew that he must abandon the position which he had taken up in the previous summer; but he now fancied that it would be enough if he offered to modify the Court of High Commission, and to give assurance not to press the Canons and the Service Book, except in 'such a fair and legal way as' should satisfy his subjects that he intended no 'innovation in religion or laws.' So far he was prepared to go. He was, however, strongly of opinion that the Scots would not be content with this, and he believed that their leaders at least were bent upon throwing off his lawful authority. The Covenant must therefore be surrendered as a standard of rebellion.[2] Spottiswoode sensibly told him that this demand would make all negotiation impossible. He answered curtly, that till the Covenant were abandoned he had no more power than a Doge of Venice.[3] The request he plainly believed to be a righteous one. It was the fault of the Scots if they did not see it in the same light. The mere demand would give him time to push on his preparations. If that were to his advantage, the blame would lie with those who rejected such reasonable terms.

May. Charles resolves to negotiate.

As the bearer of this overture, Charles selected the Marquis of Hamilton, whom he had for many years consulted on every subject relating to Scotland. Of all men living Hamilton had the greatest share of the King's confidence, and was probably

[1] Northumberland's appointment, April 13, *Patent Rolls*, 13 Charles I. Part 38, *Council Register*, April 18.

[2] Burnet, *Lives of the Hamiltons*, 43. [3] *Ibid.* 46.

the most unfit to be trusted with the difficult task now assigned to him. The charge which was often brought against him by contemporaries of wishing to seat himself upon his master's Scottish throne, as the next heir after the Stuart line, is doubtless without foundation.[1] Everything that we know of him lends itself to the supposition that he felt a warm personal affection for Charles. But even a warm personal affection may easily be clouded over by other passions. When the chivalrous Lovelace assured the lady of his heart that he could not love her so much unless he loved honour more, he laid down a principle which holds good in other relations of life than those which exist between man and woman. Attachment arising out of personal admiration, or out of the amenities of personal intercourse, is liable to interruption or decay. Attachment arising out of community of sentiment and community of sacrifice for a common object is subject to no such danger. The enduring loyalty of Wentworth saw in Charles not merely a gracious sovereign, but the symbol of a great political principle. The loyalty of Hamilton saw in Charles a blindly devoted master, who had been the founder of a great part of his personal fortune. He wished to support and maintain the King's authority, but he wished still more to foster his own wealth and state under the shadow of that authority. He would serve the King, but he could not serve him with a perfect heart. To the King he owed the high position which set him apart from other Scottish subjects, and which exposed him to the jealousy of his brother nobles; but the permanent supports of his family, the broad estates, the attached hearts of followers and dependents, were to be found in the rich valley through which the Clyde poured its stream, under skies as yet undimmed by the smoke of a mighty industry. While every feeling of his heart, every demand of his interest, urged him to be the pacificator of the strife, he might easily be led to seek the accomplishment of his object by means which might possibly do credit to his impartiality, but which were by no means

Hamilton to go as Commissioner.

His character.

[1] See Vol. VII. p. 182.

befitting an ambassador trusted by one of the parties in the quarrel.

To the religious aspect of the strife Hamilton was profoundly indifferent. If only the Scots would keep quiet, it mattered nothing to him whether they read their prayers out of the new book or not. It was the indifference of contempt, not the indifference of wisdom. He was just the man to advocate a compromise, just the man too not to see on what terms a compromise was possible. He would shift his ground from day to day because, if he did not take his stand on the principles of either of the contending parties, he had no principles of his own to secure him against the attraction or repulsion of every accident that occurred.

His indifference to the religious side of the dispute.

It is not unlikely that this want of settled principle expressed itself, unconsciously to himself, in that gloomy despondency for which he was notorious. He never undertook any work without rapidly coming to the conclusion that success was only attainable by an entire change of plan. He was frequently engaged in war and in diplomacy. Whenever he was engaged in war he became absolutely certain that negotiation would give him everything that he wanted. Whenever he was engaged in diplomacy he was sure that war, and war only, would accomplish the ends which he had been sent to obtain by negotiation.

His despondent temper.

Already, before he could set out from England, he felt the difficulties of his task. "I have no hope in the world of doing good," he said to Con, "without coming to blows. Our countrymen are possessed by the devil. The judgment of God is to be seen in the business; for though the King is ready to pardon them, and to do all that they want, they continue to make new demands, and have now published orders that none of the Covenanters shall meet the King's Commissioners."[1]

Hamilton despairs of success.

It was too true Hamilton was made to understand that he was to treat with the Covenanting leaders, and must not pass

[1] Con to Barberini, June $\frac{1}{11}$, *Add. MSS.* 15,391, fol. 164.

them over to address their followers. Dalkeith was appointed as the place of meeting. Before he reached it, an affair occurred which inflicted on him a fresh indignity. A vessel arrived at Leith laden with warlike stores for the garrison in the Castle of Edinburgh, which was commanded by the Earl of Mar, but which Hamilton hoped to secure for the King. The Covenanters would not allow it to land its cargo. At last Traquair carried off the gunpowder on board and stowed it away in Dalkeith House. The Covenanting leaders at once refused to go near so dangerous a spot, and set guards round the Castle to hinder the introduction of the powder.[1]

June 4. His arrival in Scotland.

The powder ship at Leith.

On June 7 Hamilton was able to give an account of the state of affairs. He had an interview with Rothes, and had told him that if the terms which he brought were rejected, the King would come in person to Scotland with 40,000 men at his back. Rothes did not appear to be terrified. All that Scotland wanted, he said, was that their religion might be so securely established that no man might alter it hereafter at his pleasure.[2]

June 5. Hamilton's interview with Rothes.

Before leaving England, Hamilton had received from Charles two alternative forms of a declaration which he was expected to publish. In the one the demand for the surrender of the Covenant was plainly worded. In the other it was shrouded in vague exhortations to obedience. Hamilton now assured the King that it was only in the latter form that it would be possible to read the declaration at all.[3] The Covenanters would be content with nothing short of an abolition of the obnoxious forms, including the Articles of Perth, by an Assembly and Parliament, together with a limitation placed upon the authority of the bishops. The King must therefore be prepared to invade Scotland with a royal army. He was certain to gain a victory, but he must remember that it would be gained over his 'own poor people,' and he might perhaps prefer 'to wink at their

June 7. Hamilton's account of the situation.

[1] *Rothes*, 112, 129. [2] *Ibid.* 135.

[3] I suppose this is what he means by dividing the Declaration. At all events, this is what he resolved on two days later.

madness.' As long as that madness lasted, they would 'sooner lose their lives than leave the Covenant, or part from their demands—impertinent and damnable as they were.' If the Covenanters could not force him to give way, they would call a Parliament themselves. "Be confident," he added, "they, by God's grace, shall neither be able to do the one nor the other in haste, for what I cannot do by strength I do by cunning."[1]

June 11. The King's instructions.

Hamilton was, perhaps, using his cunning to frighten Charles into those further concessions which now appeared to him to offer the only chance of peace. Charles, however, did not take the hint. He replied that he was hastening his preparations. "In the meantime," he continued, "your care must be how to dissolve the multitude, and—if it be possible—to possess yourselves of my castles of Edinburgh and Stirling, which I do not expect. And to this end I give you leave to flatter them with what hopes you please, so you engage not me against my grounds—and in particular that you consent neither to the calling of Parliament nor General Assembly, until the Covenant be disavowed and given up; your chief end being now to win time that they may not commit public follies until I be ready to suppress them."[2] In the main point, in short, there was to be no concession, but on matters of lesser importance Hamilton was to spin out the negotiation as long as he could.

June 8. Hamilton enters Edinburgh.

Before this letter was written, Hamilton had entered Edinburgh. The whole population of the town, swollen by numbers who had flocked in from the country, appeared to receive him. He reported that at least sixty thousand lined the roads. Five hundred ministers in their black gowns were there Eluding their purpose of greeting him with a public speech, he made his way to Holyrood to hear what they had to say in private. So pleased was he with his reception, that he requested the King to put off any warlike

[1] Hamilton to the King, June 7, *Hamilton Papers*, 3.

[2] The King to Hamilton, June 11, *Burnet*, 55. The letter is a reply to the one of the 7th, not to the one of the 4th mentioned in the beginning of it.

effort till he had seen what he was able to accomplish in Edinburgh. The Covenanters, it was true, were not to be induced to surrender the Covenant at once, but it would be possible to obtain other concessions which fell short of that.[1]

June 15. His disappointment.

In less than a week Hamilton discovered that even these modified hopes had been far too sanguine. On the 15th he wrote that even the Councillors of State declared the Covenant to be justified by law, 'which,' he added, 'is a tenet so dangerous to monarchy, as I cannot yet see how they will stand together.' All that was to be done was to stave off the inevitable rebellion till the King was ready to crush it. He had not dared to publish the Declaration even in its curtailed form. Nothing short of the immediate meeting of an Assembly and Parliament would satisfy the Covenanters. On any terms short of this it was useless to continue the negotiation. Of the chance of a successful resistance he was equally hopeless. He had sent Huntly and a few other loyal noblemen to their homes to form the nucleus of opposition. Lord Antrim, who as a MacDonell had claims to lands in the Western Highlands, might bring an Irish force to the King's aid. But the immediate prospect was most gloomy. It was useless to expect to gain possession of Edinburgh Castle. There was not much comfort to be given. "When your power comes," wrote Hamilton, "I hope in God, He will give you victory; but, believe me, it will be a difficult work and bloody."[2]

June 16. Hamilton suggests that the Covenanters shall explain the Covenant.

The next day Hamilton suggested a fresh way out of the difficulty. Might not the Covenanters add an explanation to the Covenant, declaring that they had no wish to infringe on the authority of the King?[3] Charles, however, shrank from acknowledging a defeat so plainly. No explanation would conceal the fact that he had given way because he could not cope with the forces arrayed against him. He therefore replied that he was making ready for war. In six weeks he should have a train of artillery consisting of forty pieces of ordnance. Berwick and Carlisle would soon be se-

June 20. Charles prepares for war.

[1] Hamilton to the King, June 9, *Hamilton Papers*, 7.
[2] Idem, June 15, *ibid.* 9. [3] *Burnet*, 58.

cured against attack. He had sent to Holland for arms to equip 14,000 foot, and 2,000 horse. The Lord Treasurer had assured him that he would have no difficulty in providing 200,000*l.* He was about to despatch the fleet to the Firth of Forth, and 6,000 soldiers should be sent with it, if Hamilton could make sure that they would be able to land at Leith.[1]

A few days later Charles was still resolute. "I will only say," he wrote, "that so long as this Covenant is in force—whether it be with or without explanation—I have no more power in Scotland than as a Duke of Venice, which I will rather die than suffer; yet I commend the giving ear to the explanation, or anything else to win time, which now I see is one of your chiefest cares." He added that he should not be sorry if the Covenanters even proceeded to call a Parliament and Assembly without authority from him. By so doing they would only put themselves more completely in the wrong.[2]

June 25.

Hamilton had already discovered that it was not so easy to win time as Charles imagined. He threatened to break off the negotiation, to return to England, and to advise the King to take another course. At last he obtained an engagement from the Covenanters that they would disperse to their homes, and would take no forward step for three weeks, during his absence, on the understanding that he would do his best to induce the King to summon an Assembly and a Parliament.

June 24. Hamilton talks of returning to England.

In announcing this arrangement to Charles, Hamilton made the most of the delay that he had gained. It was possible, he said, that, having once dispersed, the Covenanters would return in a better frame of mind. They would certainly not surrender the Covenant, but they would perhaps 'not so adhere to it' as now they did. He had also something to say about the impending war. He could not secure the landing of the proposed force of 6,000 men, but a lesser number might be brought in the fleet to make incursions in Fife and the Lothians. Dumbarton was already in safe hands, and he was in treaty with the Earl of Mar for the surrender of Edinburgh Castle

[1] The King to Hamilton, June 20, *Burnet*, 59.

[2] Idem, June 25, *ibid.* 60.

to himself. Yet he could not deny that the Covenanters were also active, and were importing arms freely from the Continent.[1]

In reply, Charles gave the required permission to return. The Commissioner was to promise nothing which would afterwards have to be refused. He might, however, recall the law courts to Edinburgh, and give some vague hopes of a future Assembly and Parliament. On the other hand, the Declaration in its amended form must be published before he left Edinburgh.[2]

June 29. Hamilton has leave to return.

Hamilton had already set out for England when this letter reached him. He at once turned back, and on July 4 the King's Declaration was read at the Market Cross at Edinburgh. Covenanting Scotland was informed that the Canons and Service Book would only be pressed in a fair and legal way.

July 4. The Declaration read.

Once more, as soon as the herald had fulfilled his task, a protestation was read in reply. The Covenanters again appealed to Assembly and Parliament as the only lawful judges of their cause. Nor did they fail to make it known that the Assembly which they contemplated was a very different one from those gatherings which had ratified the will of James with enforced subserviency. Bishops were to have no place there excepting as culprits to give an account of their misdeeds. Of this Assembly they began to speak in terms to which a servant of King Charles could hardly dare to listen. It was openly said that the right to hold assemblies came direct from God, and that no earthly prince might venture to interrupt them.[3]

Another protestation.

The Divine right of assemblies.

The long controversy was slowly disentangling itself. The claim of Charles to cast the religion of his subjects in the mould which seemed fairest in his eyes was met by the stern denial of his right to meddle with religion at all.

This outburst of Scottish feeling penetrated to the Council chamber itself. Before nightfall many of the Privy Councillors,

[1] Hamilton to the King, June 24, *Hamilton Papers*, 14.
[2] The King to Hamilton, June 29, *Burnet*, 61.
[3] Protestation *Large Declaration*, 98.

who in the morning had given an official approval to the Declaration, signified their determination to withdraw their signatures. Unless this were permitted, they would sign the Covenant at once. To save himself from this indignity, Hamilton tore up, in their presence, the paper on which their approval had been recorded.[1]

The Council takes part against the Declaration.

July 5.

Whilst the Lord Commissioner was still arguing with the Council, a deputation from the Covenanters arrived to remonstrate against the language of the Declaration. Hamilton replied with firmness. The Council, he said, 'knew what they did, and would answer it.'[2] When the members of the deputation took leave, he followed them out of the room. "I spoke to you," he is reported to have said as soon as he was in private with them, "before those Lords of the Council as the King's commissioner; now, there being none present but yourselves, I speak to you as a kindly Scotsman. If you go on with courage and resolution, you will carry what you please; but if you faint and give ground in the least, you are undone. A word is enough to wise men."[3]

Deputation from the Covenanters.

They are encouraged by Hamilton.

"What I cannot do by strength," he had explained to Charles, "I do by cunning." Hamilton's cunning was as ineffectual as his strength. It is not necessary to suppose that he wished to ruin his master. He probably wanted simply to be on good terms with all parties, and thought, as was un-

[1] Hamilton to the King, July 4, *Hamilton Papers*, 21. *Burnet*, 64.

[2] *Rothes*, 175.

[3] These words are given by Guthry (*Memoirs*, 40). He says that he heard the story on the same day from a person who had been told it by Cant, who was himself one of the deputation, and heard it again, 'in the very same terms,' that evening from Montrose, who was another of the deputation. It does not follow that the very words are accurately set down by Guthry when he came to write his Memoirs. The belief that he was playing a double game was too common in Scotland not to have had some foundation. The English author of the curious narrative printed in the Appendix to the *Hamilton Papers* (263), says that 'he gave them advice as his countrymen to keep to their own principles, lest the English nation . . . . should encroach upon them.'

doubtedly the case, that it would be better for Charles, as well as for Scotland, that he should accept the terms which appeared to be inevitable. With this object in view, it was to him a matter of indifference whether Charles frightened the Scots into surrender, or the Scots frightened Charles into concessions. As the first alternative appeared to be more than ever improbable, he now took his journey southward, with the hope that Charles would give way more readily than his subjects. He was prepared to urge him to give his consent to the meeting of Assembly and Parliament, to allow them to give a legal condemnation to the recent ecclesiastical innovations, and even to place the bishops for the future under the control of the General Assembly. It might well be doubted whether Charles would be prepared to yield so much. There could be no doubt whatever that the Scots would not be content with less.

Hamilton's return to England.

CHAPTER LXXXVII.

THE ASSEMBLY OF GLASGOW.

On July 1, a few days before Hamilton set out for England, Charles for the first time broached the subject of the Scottish troubles in the English Privy Council. The necessity of placing Berwick and Carlisle in a state of defence, made it impossible to treat the matter any longer as one in which England was wholly unconcerned. The King spoke of his wish to have brought about a religious uniformity between the two kingdoms. He explained that he had now found it necessary to entrust Arundel with the work of strengthening the border fortresses, but that he had no intention of dealing hardly with the wild heads in Scotland, if they went no farther than they had gone as yet. Beyond this vague statement he did not commit himself. No opinion was asked from the Privy Councillors, and none was given. Charles was doubtless not unconscious of the difficulty of gathering an adequate military force. That weary look, which, transferred to the canvas of Vandyke, gained for Charles so many passionate admirers, was now stealing over his countenance. For the first time in his life he left the tennis-court unvisited, and, except on rare occasions, he avoided the excitement of the chase. He announced that, this year, his progress would be but a short one, and that he would return to Oatlands before the middle of August at the latest.[1] It is not improbable that Charles really fancied it to be possible to subdue Scotland without invading it, and without summoning

1638. July 1. The English Council informed of the state of affairs.

The King's despondency

[1] Garrard to Wentworth, July 3, *Strafford Letters*, ii. 179. Zonca's despatch, July $\frac{6}{16}$, *Ven. Transcripts*, *R. O.*

an English Parliament. On the very day on which he made his communication to the Council, a legal opinion was placed in his hands by Bankes, in which the Attorney-General treated the greatest political question of the day from the point of view of a mere lawyer. In this paper the King was informed that he was entitled by law to send all persons who held lands or offices from him in the North of England, to repair thither and to be armed at the expense of their own counties for the defence of the realm. He might also command the towns in the North to erect fortifications at their own charges. When an invasion had thus been rendered impossible, the English navy might be ordered to blockade the coast of Scotland. In this way the Scots would be obliged to submit without the intervention of an English army.[1]

Even Charles could not long continue to believe that the North would really be secured by the means which appeared to Bankes to be sufficient. Before long, though he still hesitated to consult the Privy Council as a whole on the subject, he directed the formation of a committee from amongst its members in order that it might advise him on the practicability of an armed interference in Scotland. The committee was soon hopelessly divided in opinion. The Catholics and semi-Catholics—Arundel, Cottington, and Windebank—were for instant war. Vane, Coke, and Northumberland hesitated in the face of its enormous difficulties. With all the financial improvement of recent years, Charles's income was insufficient to bear an extraordinary strain. The promise of 200,000*l.* made by Juxon a few weeks before had not been realised. Only 200*l.* were at the moment in the exchequer. The utmost that could be raised by borrowing was 110,000*l.*, a sum which would go but a little way towards the maintenance of an army. What was of more consequence was, that the recent decision in the ship-money case had revealed the discontent of the English people, and it was freely acknowledged that they were more likely to support the Scots than to draw their swords for the King.[2]

July. The Committee on Scotch affairs.

[1] The Attorney-General to the King, July 1, *Melbourne MSS.*

[2] Northumberland to Wentworth, July 23, *Strafford Letters*, ii 185.

In these desperate circumstances, it was natural that the thoughts of those who cared for the maintenance of the King's authority should cross St. George's Channel. There at least was a man who had shown that it was possible to educe order out of chaos. Might not the force which had curbed Ireland be employed to restore discipline in Scotland?

Attention drawn to Ireland.

Never had Wentworth been so hopeful of the success of his great experiment as in the summer of 1637. In August, just as the Scottish resistance was growing serious, he set out for the west. In a letter to Conway he described, with much amusement, the triumphal arches erected in his honour, and the long speeches of welcome inflicted on him by the magistrates of the towns through which he passed. He was well satisfied with the more serious business of his journey. "Hither are we come," he wrote from Limerick, "through a country, upon my faith, if as well husbanded, built, and peopled as are you in England, would show itself not much inferior to the very best you have there. The business we came about is most happily effected, and His Majesty now entitled to the two goodly counties of Ormond and Clare, and—which beauties and seasons the work exceedingly—with all possible contentment and satisfaction of the people. In all my whole life did I never see, or could possibly have believed to have found men with so much alacrity divesting themselves of all property in their estates, and, with great quietness and singleness of mind, waiting what His Majesty may in his gracious good pleasure and time determine and measure out for them. I protest I that am, to my truth, of a gentle heart, find myself extremely taken with the manner of their proceeding. They have all along, to the uttermost of their skill and breeding, given me very great expressions of their esteem and affection, so as I begin almost to be persuaded that they here could be content to have me the minister of His Majesty's favour towards them as soon as any other."[1]

1637. August. Wentworth's progress in the west of Ireland.

Such a letter shows Wentworth at his best. It is probable

[1] Wentworth to Conway, Aug. 21, 1637, *S. P. Ireland*, Bundle 286.

that the days of this summer progress were the last of unalloyed happiness that he ever enjoyed. He could hardly doubt what was the cause of this unexpected loyalty. At Galway, two years before, he had acted in defiance of the great tribal lord the Earl of Clanrickard. At Limerick he was acting with the warm support of the Earl of Ormond.

Ormond and Clanrickard.

Whether it would have been possible by patience to bring the other lords to follow Ormond's example, it is impossible now to say. Patience was no part of Wentworth's character. In any case, the impulse to improvement must have come from the Crown, and the improvement to which he looked was rather to be found in the benefits derived by the poor from orderly government, than in the increased activity of the rich. "It is most rare," he wrote about this time, "that the lower sort of the Irish subject hath not in any age lived so preserved from the pressures and oppressions of the great ones as now they do ; for which, I assure you, they bless God and the King, and begin to discern and taste the great and manifold benefits they gather under the shadow, and from the immediate dependence upon the Crown, in comparison of the scant and narrow coverings they formerly borrowed from their petty yet imperious lords."[1]

Wentworth's view of Irish progress.

Such work was not likely to conduce to the formation of a correct judgment on English and Scottish affairs. "Mr. Prynne's case," he wrote in October, "is not the first wherein I have resented the humour of the time to cry up and magnify such as the honour and justice of the King and State have marked out and adjudged mutinous to the Government, and offensive to the belief and reverence the people ought to have in the wisdom and integrity of the magistrate. Nor am I now to say it anew . . . . that a prince that loseth the force and example of his punishments, loseth withal the greatest part of his dominion ; and yet still, methinks, we are not got through the disease—nay, I fear, do not sufficiently apprehend the malignity of it. In the mean time a liberty thus assumed, thus abused, is very insufferable ;

Oct. 18. Wentworth's view of English affairs.

[1] Wentworth to Coke, Aug. 15, *Strafford Letters*, ii. 88.

but how to help it I know not, till I see the good as resolute in their good as we daily observe the bad to be in their evil ways, which God of His grace infuse into us; for such are the feeble and faint motions of human frailty, that I do not expect it thence."[1]

Oct. 18.

To Wentworth, Hampden's case appeared no better than that of Prynne. "Mr. Hampden," he complained to Laud, "is a great Brother, and the very genius of that nation of people leads them always to oppose civilly as ecclesiastically all that ever authority ordains for them; but, in good faith, were they right served, they should be whipped home into their right wits, and much beholden they should be to any that would thoroughly take pains with them in that kind." "In truth," he wrote some months later, "I still wish . . . Mr. Hampden and others to his likeness were well whipped into their right senses; if that the rod be so used that it smarts not, I am the more sorry."[2]

Nov. 27.

1638. April 10.

Whatever may have been the exact form of punishment which Wentworth designed for Hampden, there can be no doubt that he was ready to expend all his energy on the Scottish Covenanters. One plan, indeed, which had been suggested in London, that the Earl of Antrim[3] should be allowed to raise a force to attack the West of Scotland, found no favour in his eyes. He told the King that he thought but meanly of Antrim's 'parts, of his power, or of his affections.' It would not be safe to trust him with arms. If he did not misuse them himself, the Scottish colonists were strong enough to seize upon them for their own ends. The Irish Government could not spare a man of its small army for service in Scotland. Three or four thousand foot, however, might be levied for the purpose. If this were done, the greater number ought to be of English birth. If Irishmen were allowed to receive a military training in Scotland, they might be dangerous after their return.

July 28. Wentworth's remarks on the Earl of Antrim.

[1] Wentworth to Laud, Oct. 18, *Strafford Letters*, ii. 119.

[2] Idem, Nov. 27. April 10, *Strafford Letters*, ii. 136, 156.

[3] He had married Buckingham's widow, as Lord Dunluce, in his father's lifetime.

When Wentworth wrote this letter, he had in his hand a copy of the last protestation of the Scots. It left no doubt on his mind that they were aiming at a change in the basis of government. One of his chaplains had recently visited Edinburgh. An attempt, Wentworth said, had been made to force him 'to sign and swear something which' he thought they called 'their Covenant with God.' If it be such, he sneeringly added, 'it will learn them obedient to their King very shortly.'[1]

His opinion of the Covenant.

As yet Wentworth's advice on the policy to be pursued towards the Scots had not been asked. He therefore unbosomed himself in a private letter to Northumberland. If the insolency of the Scots, he said, were not 'thoroughly corrected,' it was impossible to foresee all the evil consequences that would follow. It was true that the preparations in England were not sufficiently advanced to justify an immediate declaration of war. But there should be no further concessions to the Scots. 'To their bold and unmannerly demand' for a Parliament, 'mixed with a threat that otherwise they' would 'betake themselves to other counsel,' his Majesty should reply that 'it was not the custom of the best and mildest of kings to be threatened into parliaments, or to be circumscribed with days and hours by their subjects.' Their present conduct, he should say, was 'more than ever he expected from them which profess the religion which decries all such tumultuous proceedings of people against their sovereign.' He should ask what they would have thought 'if the Papists of England or Ireland' had done the like, and should inform them that he would give them leisure 'to consider the modesty, the reverence, wherewith they were to approach God's anointed, and their King, and so to frame their petitions and supplications as that they might be granted without diminution to his height and Royal estate.'

July 30. Sketches the policy to be pursued;

Wentworth's plan for the reduction of Scotland was in the main the same as that which had been propounded by Bankes, though it was put in a somewhat more practical shape. To

[1] Wentworth to the King, July 28, *Strafford Letters*, ii. 187.

prepare for the worst, Berwick and Carlisle must be garrisoned, and the troops there, as well as the trained bands of the northern counties, must be diligently exercised during the winter, so as to have a disciplined army ready at the commencement of the summer, without any previous expense to the exchequer. If the Scots continued refractory their ports could then be blockaded, and their shipping seized. Under this stress, their new unity would speedily be dissolved. Partisans of the King would spring up on every side. No unnecessary cruelty must delay the work of submission. Seditious ministers must be merely imprisoned. There must be no death on the scaffold, however richly it might be deserved. Scotland would soon prostrate herself at the feet of the King.

and suggests a plan for conducting the war.

Then—for Wentworth never failed to form a clear conception of his ultimate aim—would come a new day of government for Scotland. It was to be ruled as Ireland was ruled, by a Council of its own, acting in strict subordination to the English Privy Council. The religious difficulty was to be settled on much the same principle. No extemporary prayers, no Book of Common Order was to be tolerated. Neither was any new-fangled Liturgy to be forced upon the people. They must be content to accept the time-honoured Prayer Book of the English Church, the Protestantism of which was beyond dispute.

His ultimate aim.

If Wentworth, as he undoubtedly did, underestimated the strength which a struggle for national existence would give to Scotland, he overestimated still more the devotion of the English people to their King. He imagined that his countrymen were still animated by that fiery loyalty which was peculiarly his own. "Your Lordship," he wrote in conclusion, "may say:—How shall money be found to carry us through the least part of this? In good faith, every man will give it, I hope, from his children, upon such an extremity as this, when no less verily than all we have comes thus to the stake. In a word, we are, God be praised, rich and able, and in this case it may be justly said, *Salus populi*

He holds that the safety of the people is the highest law.

suprema lex, and the King must not want our substance for the preservation of the whole."[1]

Such was Wentworth's confession of faith. He believed in his heart of hearts that to fight for the King in this cause was to fight 'for the preservation of the whole.'

No middle course possible.

It may well be that in Scotland no middle course between a complete conquest and an absolute relinquishment of power was in any way possible. After all that had passed, it was hopeless to expect that Charles's authority would ever again strike root in the heart of the Scottish nation. One man indeed there was who, in after years, was to believe it possible, and who was destined to dash himself to pieces, in the Royal cause, against the rocky strength of Covenanting Scotland. That man was still a fiery youth, throwing himself heart and soul into the cause of the Covenant. James Graham, Earl of Montrose, was born in 1612, and succeeded to his father's title as a mere lad in 1626. Educated at St. Andrews, he was easily supreme in those bodily exercises in which youths of gentle birth sought distinction. He bore away the prize for archery; he was noted

Youth of Montrose.

1626. for his firm seat on horseback, and for the skill with
1629. which he managed his arms. Married at the early age of seventeen, after four years of wedded happiness, he
1633. sought pleasure and instruction in a prolonged tour
1636. on the Continent. When he returned in 1636 he passed through England, and asked Hamilton for an introduction to the King. Hamilton, if report speaks truly, was jealous of the young man, and played off on him one of his masterpieces of deception. Telling him that the King could not endure a Scotchman, he prepared him for an unfavourable reception. He then warned the King that Montrose was likely to be dangerous in Scotland. The traveller was therefore received with coolness, and returned home highly discontented. The man with whom he was most closely connected, his brother-in-law, the excellent Lord Napier, and his kinsman, the Earl of Airth, were at the same time loyal to the Sovereign

Is tricked by Hamilton.

[1] Wentworth to Northumberland, July 30, *Strafford Letters*, ii. 189.

and hostile to Hamilton, whom they regarded with disfavour as withdrawing the management of Scottish affairs from Edinburgh to Whitehall, and against whom they were embittered by one of those family feuds which were still potent in Scotland.[1]

Before 1637 came to an end, Montrose was in the thick of the opposition. When once he had chosen his side, he was sure to bear himself as a Paladin of old romance. If he made any cause his own, it was not with the reasoned calculation of a statesman, but with the fond enthusiasm of a lover. When he afterwards transferred his affections from the Covenant to the King, it was as Romeo transferred his affections from Rosaline to Juliet. He fought for neither King nor Covenant, but for that ideal of his own which he followed as Covenanter or Royalist. He went ever straight to the mark, impatient to shake off the schemes of worldly-wise politicians and the plots of interested intriguers. Nature had marked him for a life of meteoric splendour, to confound and astonish a world, and to leave behind him an inspiration and a name which would outlast the ruin of his hopes.

Montrose's character.

In 1638 Montrose could be nothing but a patriotic Scots-

[1] The story of Hamilton's treatment of Montrose comes from Heylyn (*Life of Laud*, 350). It is there connected with a story about another Graham, Earl of Menteith, who had a kind of claim to the throne of Scotland on the ground of the questionable legitimacy of Robert III., through whom the crown had descended. The King, through a legal process, had deprived him of his titles, though he subsequently granted him the earldom of Airth by a fresh creation. The whole of his story will be found in Masson's *Drummond of Hawthornden*, 185. Heylyn says that Hamilton told the King that Montrose was 'of such esteem amongst the Scots, by reason of an old descent from the Royal family, that he might take part in supporting his kinsman's claim.' It must be remembered that though Hamilton did not put in any claim to the throne against Charles, he was in the line of succession, and was therefore personally interested in the putting down any claim by Menteith. Mr. Napier has pointed out that Heylyn probably derived his information from Lord Napier. It is difficult to say what amount of credit is due to the narrative printed in the Appendix to the *Hamilton Papers*, but the rivalry between Montrose and Hamilton, there alleged to have existed, falls in very well with Heylyn's story.

man, and as a patriotic Scotsman he threw himself without an afterthought into the whirl of political strife. He detested and distrusted Hamilton, as he afterwards detested and distrusted Argyle. He had been one of those who had listened to Hamilton's appeal to the 'kindly Scots,' and the incident had made a deep impression on his mind. When a decision was to be taken or a protestation read, he was certain to be foremost.[1] The Covenanting leaders knew how to make good use of his fervid energy. Scarcely had Hamilton turned his back on Edinburgh, when they launched Montrose against Aberdeen.

1638. Montrose as a Covenanter.

A great national uprising makes scant account of corporate privilege or individual liberty. He who stands sneeringly, or even hesitatingly, apart from it is soon regarded as a possible traitor, if not as an actual traitor, who waits for an opportunity to strike. Ministers who had refused to sign the Covenant had been silenced, ill-treated, and driven from their homes. Only in one place in Scotland did they gather thickly enough to hold their own. The Aberdeen doctors, indeed, were no enthusiastic supporters of Charles's ill-fated Prayer Book. They felt no attraction to Laud and his Beauty of Holiness. They were faithful disciples of the school which had been founded by Patrick Forbes. The danger which they foresaw was that which is inseparable from every popular excitement, and especially from every popular religious excitement. They feared for their quiet studies, for their right to draw unmolested their own conclusions from the data before them. They were Royalists; not as Laud and Wren were Royalists, but after the fashion of Chillingworth and Hales.

The Aberdeen doctors.

[1] Gordon's story (i. 33) may be true, though it looks as if it were dressed up after the event, and was certainly written after 1650. "It is reported that at one of these protestations at Edinburgh Cross, Montrose standing up upon a puncheon that stood on the scaffold, the Earl of Rothes in jest said unto him, 'James,' says he, 'you will not be at rest till you be lifted up there above the rest in three fathom of rope.' . . . . This was afterwards accomplished in earnest in that same place. Some say that the same supports of the scaffold were made use of at Montrose's execution."

Under the name of authority they upheld the noble banner of intellectual freedom. Under Charles they had such liberty as they needed ; under the Covenant they were not likely to have any liberty at all.

So matters looked at Aberdeen. It was impossible that they should be so regarded in Edinburgh. The liberty of the Aberdeen doctors might easily become the slavery of Scotland. If the northern city were occupied by the King's forces, it would become to Covenanting Scotland what La Vendée afterwards became to Republican France. The risk was the greater because Aberdeen had other forces behind it than those which were supplied by the logic of its colleges. It lay close to the territory occupied by the powerful Gordon kindred, at the head of which was the Marquis of Huntly. Huntly in the north-east, like Argyle in the south-west, was more than an eminent Scottish nobleman. These two were as kings within their own borders. Each of them had authority outside the mountains. Each of them was a Celtic chieftain as well as a peer of the realm. Far away from Argyle's castle at Inverary, far away from Huntly's castle at the Bog in Strathbogie, the frontiers of rival authority met.

July. Danger from Aberdeen.

Huntly and Argyle.

Of the two, Huntly's power was less Celtic than that of Argyle, and was therefore more exposed to attack from the southern populations. An invading army might easily keep clear of the mountains by clinging to that strip of lowland country which stretches along the shores of the Moray Firth. Huntly's family had risen to power by the defence of this more civilised district against lawless attacks from the dwellers in the hills. It was a district isolated from Southern influences, and Huntly's immediate predecessors had retained the faith of the ancient Church. They had therefore looked with jealousy upon any government seated at Edinburgh, and in proportion as the King had become estranged from the sentiments prevailing in the South of Scotland, he would be regarded as the natural ally of his subjects in the North. Huntly's own position was such as to place him at the head of a struggle for local independence. The victory of the national

Huntly's royalism.

party would reduce his power to that of an ordinary nobleman. To a messenger sent to urge him to throw in his lot with his countrymen, he replied that 'his family had risen and stood by the kings of Scotland, and for his part, if the event proved the ruin of this king, he was resolved to lay his life honours, and estate under the rubbish of the King's ruins.'[1]

July 20. Montrose at Aberdeen.

On July 20, Montrose entered Aberdeen. According to the custom of the place, a cup of wine was offered to him as an honoured guest. He refused to drink it till the Covenant had been signed. He brought with him three preachers—Henderson, Dickson, and Cant. All the churches closed their doors against them. They preached in the streets in vain. The men of Aberdeen would not sign the Covenant. In the neighbourhood signatures were obtained amongst families which, like the Forbeses, were jealous of Huntly's power. Their example and the pressure of military force brought in a few subscribers. Two ministers appended their names with a protest that they remained loyal and obedient to the King; and the reservation was accepted, not only by Montrose, but by Henderson and Dickson as well.[2]

July 29.

Such a reservation, to be differently interpreted in different mouths, would probably have been accepted by all Scotland. No such simple means of saving his own dignity would commend itself to Charles. After consultation with Hamilton, he gave way so far as to authorise the meeting of an Assembly and a Parliament. Hamilton was to do his best to obtain as much influence for the bishops in the Assembly as he possibly could. He was to protest against any motion for the abolition of their order, but he might consent to any plan for making them responsible for their conduct to future Assemblies. If this was objected to, Hamilton was 'to yield anything, though unreasonable, rather than to break.'

July 27. Hamilton's instructions.

Difficult as it would probably be to obtain the consent of Scotland to this compromise, it was made more difficult by a

[1] *Gordon*, i. 49.

[2] *General Demands concerning the Covenant.* Aberdeen, 1662, *Spalding*, i. 93.

gratuitous obstacle of Charles's own invention. The Covenant was neither to be passed over in silence nor explained away. It was to be met by the resuscitation of a Confession of Faith which had been adopted by the Scottish Parliament in 1567, and which, though strongly Protestant in tone, naturally passed entirely over all controversies of a later date. To this Confession Charles now added clauses binding those who accepted it to defend 'the King's Majesty's sacred person and authority, as also the laws and liberties of the country under his Majesty's sovereign power.' This document was to be circulated for subscription in Scotland, not in addition to, but in substitution for, the National Covenant. All ministers expelled for refusing to sign the National Covenant were to be restored to their parishes. All ministers admitted to a parish without the intervention of the bishop were to be expelled.[1]

The Confession of 1567.

With these instructions Hamilton started once more for Scotland. On August 10 he reached Edinburgh. He found himself at once involved in a controversy on the constitution of the Assembly which he had come to announce. What Charles proposed was an exclusively clerical Assembly, in which the bishops should, if possible, preside. The Covenanting leaders would not hear of the arrangement. They were hardly likely to forget how Spottiswoode had threatened the ministers with the loss of their stipends at the Perth Assembly, and they knew enough of what was passing in London to distrust the King's intentions. Whether there be truth or not in the story which tells how Scottish grooms of the bed-chamber rifled the King's pockets after he was in bed, so as to learn the contents of his secret correspondence,[2] there can be no doubt that his projects were known in Scotland even better than they were known in England. Hamilton's efforts to divide the King's opponents served but to weld them together in more compact unity. When he talked to the nobles of the folly of

Aug. 10. Hamilton's second mission.

His efforts to divide the Covenanters.

[1] *Burnet*, 65.

[2] It is in favour of this story that Henrietta Maria, after she left England in 1642, advised her husband to be careful of his pockets, where he then kept the key to the cypher used between them.

BOROUGH OF LLWISHA
BROCKLEY
BRANCH

reimposing on their own necks that yoke of Presbytery which their fathers had been unable to bear, he was told that Episcopacy was not the only means of averting the danger. Lay elders formed a part of the Presbyterian constitution, and under that name it would be easy for noblemen and gentlemen to find their way into the Church courts, where they would have no difficulty in keeping in check any attempt at clerical domination. It is true that this prospect was not altogether pleasing to the ministers, and that many of them were somewhat alarmed at the growing influence of a nobility which would probably become lukewarm in the cause of the Church as soon as their own interests were satisfied. But the nobles told the clergy plainly, that if their support was wanted it must be taken on their own terms, and the chance that Charles would keep the engagements to which he had advanced with such hesitating steps was not sufficiently attractive to induce the clergy to abandon those protectors who had stood by them hitherto without flinching.

On August 13 Hamilton laid before the Privy Council his scheme for the pacification of Scotland. All extraordinary assemblies of the clergy and laity were to be broken up, and bishops and expelled ministers were to be protected in their lawful cures. At the elections to the Assembly no layman was to have a vote, and the Council was 'to advise to give satisfaction anent the Covenant, or to renounce the same.' So unfavourable was the reception of these proposals, that Hamilton returned once more to England for further instructions; having first obtained from the Covenanters a promise that they would not proceed to any self-authorised elections till September 21, by which time he hoped to be back in Scotland.[1]

Aug. 13. Hamilton and the Council.

Aug. 25. He returns to England.

When, on September 17, Hamilton appeared for the third time in Edinburgh, he brought with him what must have seemed to Charles unlimited concessions. He was to issue a summons for the meeting of the Assembly and Parliament, and to content himself, as far as the elections

Sept. 17. Hamilton's third mission.

[1] *Baillie*, i. 98. *Spalding*, i. 98. *Burnet*, 69. *Large Declaration* III.

to the former body were concerned, with coming as near as was possible to the forms observed in the preceding reign. He was to declare that the King absolutely revoked 'the Service Book, the Book of Canons, and the High Commission,' that he suspended the practice of the Articles of Perth, and was ready to consent to their entire abolition, if Parliament wished him to do so. Episcopacy was to be limited in such a way that the bishops in future would be responsible to the Assembly for their conduct.

Charles did not stop here. It is true that he no longer directly asked for the surrender of the National Covenant. He abandoned also the idea of sending round for signature the Confession of 1567. But he seems to have thought it necessary to preserve his dignity by sending round for signature some document of his own. This time it was to consist of the Confession drawn up in 1580, which formed the basis of the National Covenant. Naturally, Johnston's additions were to be omitted, and they were to be replaced by a certain Covenant which had been drawn up in 1590, the signers of which had bound themselves to stand by the King in 'suppressing of the Papists, promotion of true religion, and settling of His Highness' estate and obedience in all the countries and corners of the realm.'[1]

The King's Covenant.

On the 22nd the Privy Councillors, after some hesitation, signed the King's Covenant. The same day a proclamation was made at the Cross. It began by announcing the concessions intended. It then called on the people to sign the new Covenant, not because any fresh attestation of their own faith was needed, but in order that the King might thereby assure his subjects that he never intended 'to admit of any change or alteration in the true religion already established and professed.' Finally, an Assembly was summoned to meet at Glasgow on November 21, and a Parliament on May 15.[2]

Sept. 22. Proclamation of the Assembly and Parliament.

By a few Scotsmen who, like Drummond of Hawthornden, had watched with anxiety the leagues of the nobles and the

[1] *Burnet*, 75. [2] Peterkin's *Records*, 81.

violence of the clergy, the proclamation was hailed as a message of peace.[1] By the mass of Drummond's countrymen it was received with profound distrust. As its words died away, there followed another protestation, more sharp and defiant than any before. Scotland had made up its mind to have no more to do with bishops, whether their power was to be limited or unlimited. The introduction of a new Covenant without apparent reason was in itself certain to arouse suspicion. The question at once arose, for what purpose were their signatures demanded? The explanation given by the King was unintelligible. "If we should now enter upon this new subscription," said the protestors—their words were in all probability the words of Henderson[2]—"we would think ourselves guilty of mocking God, and taking His name in vain; for the tears that began to be poured forth at the solemnising of the Covenant are not yet dried up and wiped away, and the joyful noise which then began to sound hath not yet ceased; and there can be no new necessity from us, and upon our part pretended, for a ground of urging this new subscription, at first intended to be an abjuration of Popery, upon us who are known to hate Popery with an unfeigned hatred, and have all this year byegone given large testimony of our zeal against it. As we are not to multiply miracles on God's part, so ought we not to multiply solemn oaths and covenants upon our part, and thus to play with oaths as children do with their toys without necessity."[3]

Another protestation.

Why should another covenant be signed?

Behind the controversy about the King's Covenant appeared another controversy, more serious still. Charles thought he had done much in offering to place the bishops under limitations. He was told that all such questions were beyond his competence. The Assembly would deal with them as it saw fit. It, not the King, was divinely empowered to judge of all questions relating to the Church.

Is not the Assembly supreme?

Such was the declaration of war—it was nothing less—

[1] Drummond's *Irene*. Works, 163.

[2] This is the suggestion of Prof. Masson, *Life of Milton*, ii. 33.

[3] Peterkin's *Records*, 86.

issued by the Scottish Covenanters. At the heart of the long appeals to Scripture and to Presbyterian logic lay the sense of national independence. Episcopacy was a foreign substance, which had never been assimilated by the living organism into which it had been introduced by force and fraud.

The Protestation a declaration of war.

The attempt to procure signatures to the King's Covenant was almost a total failure. Loyal Aberdeen and its neighbourhood produced 12,000 signatures; only 16,000 more could be obtained from the rest of Scotland. A mad woman named Margaret Michelson, who went about saying that she was inspired to declare that the National Covenant came from Heaven, and that the King's Covenant was the work of Satan, was very generally regarded as a prophetess.[1]

Few sign the King's Covenant.

In the face of such evidence of popular feeling, it hardly mattered under what system the votes in the election of members of the Assembly were recorded. The Covenanters, however, treated it as a matter of course that an Act passed by an Assembly held in 1597 was to be accepted as the constitutional rule, all later Acts being held to have been null and void. Hamilton's efforts to introduce jealousy between the gentry and the clergy were without effect. The constituency in each Presbytery was composed of the minister and one lay elder from each parish. By this constituency three ministers were chosen to represent the Presbytery, whilst the gentry of the same district returned a lay elder to represent themselves. Edinburgh was separately represented by two members, and the other boroughs by one member apiece.

The electoral machinery.

It would have puzzled the sharpest logician to give any satisfactory reason why a body, brought into existence by this particular kind of electoral machinery, should be held to speak with Divine authority, rather than a body brought into existence in some other way. But there could be no doubt that it could speak with a national

Strength of the Assembly.

[1] *Burnet*, 81. *Gordon*, i. 131.

authority as no merely clerical assembly could have spoken. Whatever Scotland was, in its strength and its weakness, in its fierce uncompromising dogmatism, in its stern religious enthusiasm, in its worldly ambition and hair-splitting argumentativeness, in its homely ways and resolute defiance of a foreign creed and of a foreign worship, was reflected, as in a mirror, in the Assembly which was now elected in the teeth of the King's Commissioner.

Charles could hardly avoid taking up the glove thrown down. To allow that he had neither part nor lot, either in the constitution of the Assembly or in the decisions to which it might come, would be to acknowledge that the kingly authority was no more than a cipher in Scotland; and he knew instinctively that if he gave way in Scotland he would soon be called upon to give way in England as well. The only question now was on what ground the challenge was to be accepted. The Scottish bishops, knowing what was before them, advised that the very meeting of the Assembly should be prohibited. Hamilton argued that, if this were done, the Covenanters would allege that the King had never seriously intended that any Assembly should meet at all; and Charles was of the same opinion as Hamilton.

Charles resolves to take up the challenge.

Hamilton's plan was, that the Assembly should be allowed to proceed to business. His first care would be to lay before it the scheme of modified Episcopacy which had been foreshadowed in the late proclamation. If this were rejected, as it would certainly be, and if the bishops were summoned as culprits to the bar, he would then dissolve the Assembly and declare those who concurred in this course to be traitors to the King.[1] The bishops, on their part, would be ready with a declinator, denouncing the Assembly as unconstitutionally elected, and as disqualified, in any case, from passing sentence upon bishops.

Oct. 22. Hamilton's advice.

At last, the position taken up by Charles was clearly marked. There was no thought now of gaining time by spinning out negotiations which were to come to nothing. If the Scots

[1] Hamilton to the King, Oct. 22, *Hamilton Papers*, 46.

would have accepted Charles's offer of limited Episcopacy, and have left the question of sovereignty untouched, he would probably have been content to see his concessions put in force, however unpalatable they were to himself. He knew well, however, that the question of sovereignty was at stake, aud he doubtless felt the less anxiety on the score of the largeness of the concessions which he had made, because he believed that they were certain to be rejected "Your commands," Hamilton had recently written to him, "I conceive, chiefly tend at this time so to make a party here for your Majesty, and once so to quiet this mad people, that hereafter your Majesty may reign as king, and inflict the due punishment on such as have so infinitely offended against your Majesty's sacred authority."[1]

The King's intentions.

The Scottish leaders, if they knew what was passing in the King's mind, as there can be little doubt that they did, had every reason to make the breach irreparable. They were not likely to have much difficulty with their followers. Large bodies of men, when once they are set in motion, acquire a momentum of their own; and every scrap of news which reached them from England confirmed them in the belief that the King meditated an attack upon Scotland, whether his terms were accepted or not. It was known that Hamilton had purchased from Mar the command of Edinburgh Castle; and that it was only owing to the strict watch kept upon it by the citizens that it had not been provided with those warlike stores without which its garrison would be unable to stand a siege. It was known, too, that a trusty officer had been despatched to take charge of Dumbarton, that preparations had been made for holding Berwick and Carlisle in force, and for creating a magazine of military stores at Hull. There had also been widely circulated a forged speech, which the Duke of Lennox was said to have delivered in defence of his native country, in the English Privy Council, from which the inference was drawn that the English Council entertained designs hostile to Scotland.

Certainty of resistance.

Signs of war.

[1] Hamilton to the King, Oct. 15, *Hamilton Papers*, 42.

As had usually happened in the course of these distractions, the Covenanters took the aggressive. On October 24, they appeared, in due legal form, before the Edinburgh Presbytery, to charge the pretended bishops with having overstepped the limits of their powers, and even with acts of dishonesty and profligacy, and requested the Presbytery to refer their cases to the Assembly. As might have been expected, this request was at once complied with, and the accusation was ordered to be read publicly in all the churches of Edinburgh.[1]

Oct. 24. The bishops cited before the Assembly.

The step thus given induced Charles to resort to threats. "You may take public notice," he wrote to Hamilton, "and declare that, as their carriage hath forced me to take care to arm myself against any insolence that may be committed, so you may give assurance that my care of peace is such that all those preparations shall be useless, except they first break out with insolent actions." As for the threatened proceedings against the bishops, 'it was never heard that one should be both judge and party.' The very legality of the constitution of the Assembly was at issue, and that was no matter to be determined by the Assembly itself. He was still ready to perform everything that he had promised, and was prepared to summon 'a new Assembly upon the amendment of all the faults and nullities of this."[2]

Nov. 17. The King announces that he is preparing for war.

The Assembly, too, might well have asked whether Charles himself were not a party rather than a judge; but it preferred action to recrimination. On November 21, it met in the Cathedral of Glasgow, the only one amongst the Scottish cathedrals which had been saved from destruction and decay by the affectionate reverence of the townsmen, and which had survived to witness the new birth of Presbyterianism. In spite of Hamilton's efforts to take the lead into his hands, the Assembly remained master of itself. The speech which he had prepared for the occasion remained unspoken.[3]

Nov. 21. Meeting of the Assembly.

[1] *Large Declaration*, 209.

[2] The King to Hamilton, Nov. 17, *Burnet*, 99.

[3] Compare *Burnet*, 94, with *Baillie*, i. 124.

His demand that the question of the elections should be immediately taken up, was promptly refused. His proposal that the Bishops' Declinator should be read was received with contempt. The Assembly asserted its right to exist by proceeding to the choice of a Moderator.[1] That Moderator was Alexander Henderson. The Clerk was Johnston of Warriston.

The question being thus decided against him, Hamilton's only object was to put off the evil hour of dissolution as long as possible. The account which he gave the King was gloomy beyond measure. "Yesterday, the 21st," he wrote, "was the day appointed for the downsitting of the Assembly. Accordingly we met, and truly, sir, my soul was never sadder than to see such a sight; not one gown amongst the whole company, many swords but many more daggers—most of them having left their guns and pistols in their lodgings. The number of the pretended members are about 260; each one of these hath two, some three, some four assessors, who pretend not to have voice, but only are come to argue and assist the Commissioners; but the true reason is to make up a great and confused multitude, and I will add, a most ignorant one, for some Commissioners there are who can neither write nor read,[2] the most part being totally void of learning, but resolved to follow the opinion of those few ministers who pretend to be learned, and those be the most rigid and seditious Puritans that live. What, then, can be expected but a total disobedience to authority, if not a present rebellion? Yet this is no more than that which your Majesty hath had just reason this long time to look for, which I would not so much apprehend if I did not find so great an inclination in the body of your Council to go along their way; for, believe me, sir, there is no Puritan minister of them all who would more willingly be freed of Episcopal governance than they would, whose fault it is that this unlucky business is come to this height."[3]

Nov. 22. Hamilton's report.

Though, by general confession, Hamilton played well the

[1] Answering to the Speaker in the English House of Commons.

[2] This evidently refers to some of the lay members of the Assembly.

[3] Hamilton to the King, Nov. 22, *Hamilton Papers*, 59.

part which he had undertaken, his attempt to get up a clerical movement against the lay elders failed entirely. On the 27th, the Assembly declared itself duly constituted, and set aside three scantily signed petitions against the lay elders as unworthy of notice.

His conduct in the Assembly.

Nov. 27. The Assembly constituted.

Hamilton knew that the breach could not be averted much longer. "So unfortunate have I been in this unlucky country," he wrote to the King, "that though I did prefer your service before all worldly considerations . . . yet all hath been to small purpose; for I have missed my end in not being able to make your Majesty so considerable a party as will be able to curb the insolency of this rebellious nation without assistance from England, and greater charge to your Majesty than this miserable country is worth." In his annoyance at the approach of that open quarrel in which he expected to be the first to suffer, he dealt his blows impartially around. Everyone, excepting himself and the King, appeared to have been in fault. The bishops had done things which were 'not justifiable by the laws.' 'Their pride was great, but their folly was greater.' Some of them were not 'of the best lives.' Others were 'inclined to simony.' He then, with characteristic confidence in schemes as yet untried, assured the King that success would be easily secured. By blockading the seaports he would ruin the commerce of the country. So far Hamilton was of one mind with Wentworth; but he believed what Wentworth did not believe, that it was still possible to raise a force in Scotland to fight on Charles's side. Huntly, he argued, should be named as the King's lieutenant in the north. Traquair or Roxburgh should hold the same authority in the south. There should be a royal commissioner—no doubt, himself—at the head of both. It would be difficult to carry arms and ammunition into Edinburgh Castle, but it would be easy to secure Dumbarton by sending soldiers from Ireland. "I have now only one suit to your Majesty," he ended by saying "that if my sons live, they may be bred in England, and made happy by service in the Court; and if they prove not loyal to the Crown, my curse be

Hamilton's account of the Assembly.

His attack on the bishops.

His advice on the conduct of the war.

on them. I wish my daughters be never married in Scotland."[1]

On the 28th, the day after this letter was written, the crisis arrived. The Bishops' Declinator was presented. Henderson put it to the vote whether the Assembly was a competent judge of their cause, notwithstanding their assertion to the contrary. Before the answer was given, Hamilton rose. He read the King's offer, that all grievances should be abolished, and that the bishops should be responsible to future assemblies; but he refused to acknowledge the legality of the Assembly before him. The only Assembly which he would acknowledge was one elected by ministers alone, and composed of ministers alone. In a long speech Henderson ascribed to the King very large powers indeed, even in ecclesiastical matters. The constitutional point raised by Hamilton he altogether evaded. No assembly likes to hear an attack on the basis upon which it rests. This one refused to re-open a question which it probably considered as settled by its previous rejection of the petitions against the lay elders. Hamilton pleaded in vain for further delay. "I must ask," said the Moderator, "if this assembly finds themselves competent judges." A warm debate ensued. "If the bishops," said Loudoun, "decline the judgment of a National Assembly, I know not a competent judgment seat for them but the King of Heaven." "I stand to the King's prerogative," replied the commissioner, "as supreme judge over all causes civil and ecclesiastical, to whom I think they may appeal, and not let the causes be reasoned here."

Nov. 28. The Bishops' Declinator presented.

Question between Hamilton and the Assembly.

No common understanding was any longer possible. After a few more words, Hamilton declared the Assembly to be dissolved in the King's name, and left the church. As soon as he was gone, the Assembly resolved that it was entitled to remain in session in spite of anything that had been done. Its first act was to pass a vote claiming competency to sit in judgment on the bishops.

Hamilton dissolves the Assembly.

[1] Hamilton to the King, Nov. 27, *Hardwicke S. P.* ii. 113.

At the moment of Hamilton's departure an incident occurred from which the Assembly must have derived no slight encouragement. Argyle, like Huntly, was a potentate exercising almost royal power. He could bring 5,000 Highlanders into the field. Like Huntly, he came of a family which had long kept up its attachment to the Papal Church, and his father, who had lately died, had been for many years in the military service of the King of Spain in the Netherlands. During his father's absence he had exercised over the clan the authority which he now bore in his own name. Refusing to follow his father in his adoption of the Roman Catholic religion, he adapted himself to the habits and ideas of the inhabitants of the southern lowlands. He was often to be seen in Edinburgh, and he took his place as a member of the Privy Council. He thus early became a national, rather than, like Huntly, a local politician. As a nobleman, he shared in the jealousy of the bishops which was common to his class; but he was politic and wary, not willing to commit himself hastily to any cause, and tied to more than ordinary caution by his rank as a Privy Councillor. He was ambitious of power, and unscrupulous in his choice of means. Unlike the other noblemen of the time, he was absolutely without personal courage. He could not look upon a hostile array without being overcome by sheer terror. Something of this feeling was manifested in his political career. He had the sure instinct which led him to place himself on the side of numbers, the pride, too, of capacity to grasp clearly the ideas of which those numbers were dimly conscious. In times of trouble, such capacity is power indeed. Then, if ever, the multitude, certain of their aim, uncertain of the means by which that aim is to be reached, look for the guidance of one in whose mental power they can repose confidence, and whose constancy they can trust. Such a man was Argyle. It is probable enough that there was no conscious hypocrisy in the choice which he was now to make. He would hardly have maintained himself in power so long as he did if he had not shared the beliefs of those around him. He was probably as incapable of withstanding a popular belief as he was of withstanding an army of his foes. At all events, the time was now

Argyle's declaration.

come for him to declare himself. When Hamilton swept out of the church, followed by the members of the Privy Council, Argyle alone remained behind. He took the part of the many against the few. "I have not striven to blow the bellows," he said, "but studied to keep matters in as soft a temper as I could; and now I desire to make it known to you that I take you all for members of a lawful Assembly, and honest countrymen."

December. Further proceedings in the Assembly.

Till December 20 the Assembly remained in session. As a matter of course, it swept away the Service Book, the Canons, and the Articles of Perth. It received with boundless credulity every incredible charge reported on the merest hearsay against the bishops. It declared episcopacy to be for ever abolished, and all the Assemblies held in episcopal times to be null and void. It re-established the Presbyterian government, and ejected those ministers whose teaching had not been consonant with Calvinistic orthodoxy.[1]

Comparison between the Scottish Assembly and the English Parliament.

The challenge thus uttered by the Scottish Assembly was in the main the same as that which had been uttered by the English Parliament in 1629, and which was to be uttered again by it in 1640. The Assembly demanded that the religion recognised by the nation itself should be placed beyond all contradiction, and that neither the King nor anyone else should venture to modify its ceremonies or its creed. Many conditions were present in the North to make the outbreak occur in Scotland earlier than it did in England. Charles's attack upon the religion of Scotland had been more sweeping and more provocative than anything that he had done in England. The Scottish nation, too, was more ready to combine than the English nation was. Government in England was a present reality. In Scotland it was but the shadow of an absentee sovereign. In the people itself, the influence of the Calvinistic clergy produced a strange uniformity of thought and character. Even the noblemen appear to have been cast very much in a common mould. It is true that Argyle and Montrose stand out amongst their fellows with distinct characters. The rest

[1] Peterkin's *Records*, 128. *Baillie*, i. 165. Hamilton to the King, Dec. 1, *Hamilton Papers*, 62.

are scarcely more than names. To pass from a history which tells of Wentworth and Northumberland, Cottington and Portland, Essex and Saye, to a history which tells of Rothes and Loudoun, Balmerino and Lindsay, is like passing from the many-coloured life of the Iliad to the Gyas and Cloanthus of the Æneid. The want of originality of character made combination the easier. It made it the easier, too, to place the real direction of the movement in the hands of the ministers. Whatever forces were behind, the revolution which had been effected was a Presbyterian revolution. The preacher was and remained the guide and hero of Scottish nationality. The preacher was strong because he appealed to an ideal conviction larger and nobler than his logic. Bishops were to be proscribed, not because particular bishops had done amiss, but in the name of the principle of parity amongst all who were engaged in the ministration of the same truths. The influence of the King was to be set aside in the Church, not because Charles had been unwarrantably meddlesome, but because the Church knew but one Heavenly King. It is impossible to doubt that the Scottish people grew the nobler and the purer for these thoughts—far nobler and purer than if they had accepted even a larger creed at the bidding of any earthly king. Of liberty of thought these Scottish preachers neither knew anything nor cared to know anything. To the mass of their followers they were kindly guides, reciprocating in their teaching the faith which existed around them. Scotland was, however, no country for eccentricities of thought and action. Hardihood was there, and brave championship of the native land and the native religion. Spiritual and mental freedom would have one day to be learned from England.

War inevitable.

Charles, after the rejection of his authority at Glasgow, might wish for peace, but, unless he was prepared to sacrifice all that he had ever counted worth struggling for, he could not avoid war. For him the saying attributed to his father, "No bishop, no king," was emphatically true. He had not chosen bishops in Scotland amongst men who were imbued with the religious sentiment around them. He had rather sought for those who would serve as instruments in

imposing his own religious practice upon an unwilling people. It is true that before the Assembly met at Glasgow, he had surrendered all the original objects of contention. Liturgy and Canons, Articles of Perth, and irresponsible episcopacy had been given up. It is true that between Charles's moderate episcopacy, responsible to Assemblies, and the direct government of the Assemblies themselves, the difference does not seem to have been very great; but to a man like Charles the appearance of victory was of greater importance than victory itself. He could not yield honourably and gracefully as Edward I. and Elizabeth would have yielded, and he felt that all was lost if he acknowledged that he had yielded to force what he had not been ready to yield to argument. The danger would not be confined to Scotland alone. His authority in England rested not on armed force, but on traditional conviction that he was supreme over all causes ecclesiastical and civil. If the Scottish Assembly claimed for itself the supremacy in ecclesiastical causes, it would not be long before the same claim would be put forward by an English Parliament. The question between Charles and his subjects was no longer one of forms of prayer and of Church government. It had become one reaching to the very foundations of political order.

Nor was it only upon his relations with England that Charles was compelled to cast his eyes. He knew that his position in the face of the Continental Powers was seriously weakened by the Scottish troubles, and he believed that those troubles had been fomented by the French Government. His diplomacy had been as unsuccessful in the past year on the Continent, as it had been in Edinburgh and Glasgow. His hopes of recovering the Palatinate for his nephew seemed as little likely to be realised as they had ever been. The meeting of ambassadors at Hamburg, to which had been referred the conditions of the treaty which had been under negotiation at Paris in 1637,[1] was long delayed, and it was not till the summer

Charles's foreign relations.

The congress at Hamburg.

[1] See page 217.

of 1638 that Sir Thomas Roe was despatched to meet the plenipotentiaries of France and Sweden in that city. Roe soon found that he could accomplish nothing. Charles still asked for an engagement from France and Sweden, that they would make no peace without the full restoration of the Palatinate, and those Powers still refused to comply with his wishes unless he would bind himself to join them in war by land as well as by sea.[1]

With this result Richelieu was well satisfied. He knew that Charles, with the Scottish dispute on his hands, would be unable to take part against France. More than that he had long ceased to expect.[2]

Charles's relations with France.

He wishes to help his nephew.

Charles himself was less clear-sighted. He had already lent himself to schemes for placing his nephew at the head of an army in the field, at the very moment when he was looking in vain for the means of levying an army against the Scots. He actually sent the young man 30,000*l.* to raise troops, and Charles Lewis used the money to buy the allegiance of the garrison of Meppen. The Imperialists in the neighbourhood took the garrison by surprise, and occupied the town without any serious resistance. In the summer the young Prince started from the Netherlands at the head of a small force to join the Swedes. The Swedes were not anxious for his assistance, and left him unaided in the face of the enemy. He himself escaped to Hamburg, but his brother, Prince Rupert, with Lord Craven and others of his principal officers, were taken prisoners. Charles, however, did not relax his efforts. He kept up for some time a negotiation with Richelieu, with the object of inducing the Cardinal to share with him the expense of procuring the services of a small army under General Melander, which was at that time waiting to sell itself to the highest bidder. Richelieu, however, preferred to acquire the army for himself, and Charles was doomed to a fresh disappointment.[3]

Seizure of Meppen by the Imperialists.

Defeat of the Elector Palatine.

Melander's troops.

[1] Roe's despatches, *S. P. Germany.*

[2] Chavigny's despatches, *Bibl. Nat.* Fr. 15,915.

[3] Despatches in *S. P. Holland* and *Germany*. Chavigny to Bellievre, Nov. 12, Dec. 14, *Bibl. Nat.* Fr. 15,915, fol. 208, 230.

Earlier in the year, as soon as Charles had discovered that no very zealous assistance was to be expected from Richelieu, he turned in the direction of Spain. Under the name of a private merchant, he sold 3.000 barrels of powder to the Government of the Spanish Netherlands, and lent the services of his fleet to convoy them safely to Dunkirk. Then followed a long secret negotiation with the Princess of Pfalzburg, a sister of the exiled Duke of Lorraine, which was carried on by Gerbier at Brussels with the sanction of the Cardinal Infant. The scheme of an alliance with Spain split on much the same rock as that on which the conference at Hamburg had split. The Spaniards required that Charles should immediately declare war against France, and Charles required that the Emperor and the Spaniards should immediately deliver up to his nephew so much at least of the Palatinate as was actually in their hands.[1] In the Council of State at Madrid, Olivares scornfully asked how it was that Charles, who had his hands full at home, could talk of affronting France and Holland. No doubt, he added, the whole negotiation was mere trickery.[2]

Charles's relations with Spain.

Secret negotiation at Brussels.

Charles had much to do to conceal from the world the fact that all through the summer and autumn of 1638 he was simultaneously offering his alliance to France and to Spain. A despatch written by Cardenas, the Spanish Resident in London, fell into the hands of the Swedes. It contained a statement that the Emperor was negotiating with the King of England, with the expectation that all difficulties about the Palatinate would soon be settled at a conference at Brussels. Luckily for Charles, Cardenas knew nothing of the real negotiation in the hands of the Princess of Pfalzburg, and had only been informed of a project put forward without authority by Taylor, the English Resident at Vienna, and disavowed by Charles as soon as it came to his ears. Charles was therefore able with literal truth, though with

Charles and Cardenas.

[1] Some notices of this negotiation are in the *Clarendon S. P.* A full account may be derived from Gerbier's own despatches, *S. P. Flanders.*

[2] Consulta of the Council of State, Dec. $\frac{14}{24}$, *Simancas MSS.* 2521.

no more than literal truth, to protest loudly to the world that he had been grossly calumniated, and that Taylor had acted in defiance of his instructions.[1] Cardenas was suspended from all intercourse with the Court,[2] and Taylor was recalled and committed to the Tower.[3]

Though neither France nor Spain entertained any hope of serious aid from Charles, there were many indirect ways in which his goodwill might be of use. Both Olivares and Richelieu, therefore, were anxious to be on friendly terms with the Queen. In March 1638 the Cardinal conceded to her the boon for which she had been so long begging, and released De Jars from captivity.[4] In April a heavier weight was thrown into the opposite scale. The Duchess of Chevreuse—gay, witty, and licentious—arrived to plot against the Cardinal from the secure distance of the English Court.

Richelieu's overtures to the Queen.

April.

The Duchess of Chevreuse in England.

The arrival of the Duchess was the precursor of the

[1] Windebank to Hopton, Dec. 27, 1638. Windebank to Taylor, Jan. 11. Taylor's Relation, April 4, 1639, *Clarendon MSS.* 1161, 1170, 1218. Writing to Gerbier, Windebank blames him for not at once disavowing the story. "This," he adds, "you might safely have done without fearing to be guilty of Sir Henry Wotton's definition of an ambassador, seeing you know there is no direct treaty at all between His Majesty and them, and that all that has been done hath been by way of proposition moving from that side and managed by second hands, His Majesty neither appearing nor being engaged nor obliged to anything; and to this purpose His Majesty hath answered the French Ambassador; namely, that some propositions have been made to him from that side; but hath absolutely disavowed any formal or direct treaty at all, or that ever any letters to this purpose have passed between himself and them; and this, besides that it is a truth, His Majesty had reason to do, unless he were more sure of the success of that which hath been proposed from your parts, for by avowing that to be a treaty he is sure to dissolve that with France, and so he may run hazard to lose both." Windebank to Gerbier, Jan. 4, 1639, *S. P. Flanders.*

[2] In the *S. P. Spain* is a copy of the intercepted despatch, together with the correspondence with Cardenas on the subject.

[3] Windebank to Hopton, Sept. 29, 1639, *Clarendon S. P.* ii. 71.

[4] Chavigny to Bellievre, $\frac{\text{Feb. } 24}{\text{March } 6}$, March $\frac{9}{19}$, *Bibl. Nat.* Fr. 15,915, fol. 93, 97. See page 98.

arrival of another visitor of more exalted rank. The Queen Mother had long been weary of exile from France. All hopes of her restoration by the help of an insurrection of her partisans had long since passed away, and now that she had ceased to be serviceable to Spain, she was treated with cold courtesy at Brussels. The pension doled out to her was irregularly paid, and she looked back with fond regret to her old sumptuous life at Paris, where courtiers and artists had rivalled one another in doing her honour.

The Queen Mother at Brussels.

She could not believe that it was out of Charles's power to obtain for her permission to return. Charles, at her entreaty, put the question to the French Government. The response was unfavourable. Mary de Medicis attributed the failure to her presence on Spanish soil. Under the pretext of a visit to Spa, she left Brussels in the beginning of August, and crossed the frontier into the Dutch Netherlands. She was there received with every sign of respect by the Prince of Orange and the States-General. Her presence soon caused a misunderstanding between the Dutch Government and the French Ambassador. The design of proceeding to England, which had probably been formed long before, took entire possession of her mind.

She desires to return to France.

Aug. 4. Crosses the Dutch frontier.

Proposes to visit England.

Charles had always steadily refused her permission to land in his dominions. He knew that her mere presence would help to embroil him with France, and that the men whom she most trusted, Cogneux, Fabroni, and Monsigot, were steeped in intrigue, and were Richelieu's bitterest enemies. He therefore at once sent instructions to Boswell, his agent at the Hague, to remonstrate with her. Boswell's remonstrances were coldly received. At last he learned that she was making secret preparations for the voyage. He appealed to Fabroni, and Fabroni protested that there was no truth in the report. The next day the Queen Mother embarked for England.[1]

Aug. 13. Charles remonstrates.

Aug. 30.

Sept. 24.

Sept. 25.

[1] Coke to Boswell, Aug. 13; Boswell to Fabroni, Sept. 25; Boswell to Windebank, Aug. 9, Sept. 8, 26, 27, *S. P. Holland.*

On September 30 Monsigot presented himself before Charles to announce that his mistress was already on the way, and that, unless he turned her away from his ports, she would soon be on shore in England. Charles had not the heart to repel her, but he would willingly have seen her land without her disreputable train. Henrietta Maria's pleadings against this insult to her mother bore down his opposition, and orders were given that the mother of the Queen of England should be received with all the honours due to her exalted rank. No one, except her daughter, wished to see her in England. "I pray God," wrote Laud, "her coming do not spend the King more than . . would content the Swedes."[1] There was no remedy. Her arrival, said Windebank, "is so flat and sudden a surprisal as, without our ports should be shut against her, it is not to be avoided."

Sept. 30. Monsigot's mission.

Oct. 4. Laud's opinion of the proposed visit.

Mary de Medicis landed at Harwich on October 19. On her way to London she was received with every sign of a cordial welcome. The King met her at Chelmsford. As she passed through London, the Lord Mayor offered her his hospitality. The streets were lined with scaffoldings hung with rich cloths, and thronged by citizens ready to do honour to their guest, or at least to satisfy their own curiosity. At St. James's she was received by the Queen, who had parted from her thirteen years before. With motherly pride she presented her children to their grandmother. St. James's Palace was assigned to her as a residence.[2]

Oct. 19. The Queen Mother in England.

In vain Charles urged Louis to allow his mother to return to France, on her engagement to meddle no more with politics. In vain did she entreat Bellievre, the French Ambassador, to plead her cause with the Cardinal. The haughty widow of Henry IV. humiliated herself

New negotiation for her return to France.

[1] Laud to Roe, Oct. 4, *Works*, vii. 486.

[2] Salvetti's *News-Letter*, Oct. $\frac{5}{15}$, Nov. $\frac{2}{12}$. La Serre, *Histoire de l'Entrée de la Reine-Mère*. It is not necessary to believe all that the writer says about the enthusiasm with which the Queen was greeted. He says that the French Ambassador welcomed her, which is certainly untrue.

to no purpose. She was told that if she would betake herself to Florence a provision suitable to her rank would be bestowed upon her. In France she had always been troublesome, and she could not be admitted there. Such an offer was unacceptable. Rather than revisit the home of her childhood, where she would find herself a stranger amongst strangers, she preferred to remain in England, a burdensome pensioner on Charles's bounty.[1]

December. Failure of the negotiation.

The year 1638 did not end prosperously for Charles. His overtures had been rejected both by France and Spain. The Congress at Hamburg, without results for him, was not without results for others. A fresh compact was made between France and Sweden for a renewed attack upon the hereditary lands of the Emperor. Equipped with French subsidies, Bernhard of Weimar fell upon those Austrian lands upon the Upper Rhine, which barred the way of the French armies. Before the year came to an end he had won a great victory at Rheinfelden, and had forced the strong fortress of Breisach to surrender. To Richelieu, the surrender of Breisach gave the power of entering Germany at his pleasure. It implied, too, the power of cutting off supplies sent by land to the Spanish Netherlands. Richelieu felt that the great objects of his ambition were already within his grasp. A few months before, the birth of the Dauphin, who was afterwards Louis XIV., had come to strengthen the basis of his power. It would be a son of the master whom he had served who would be the next ruler of France, not his enemy Gaston, or any ally of the exiled Mary de Medicis.

The struggle for the Upper Rhine.

The news of Bernhard's successes was almost as unwelcome at Whitehall as the news of Hamilton's failure at Glasgow. France was now strong in that very part of Germany from which the Palatinate might most easily be overawed. Nor was this all. The danger by land was more than matched by the danger by sea. The French navy was growing in numbers and efficiency. One French fleet had

Charles's dissatisfaction.

[1] Bellievre to Chavigny, Dec. $\frac{13}{23}$, *Arch. des Aff. Étr.* xlvii. 305. Memoir for Bellievre, Jan. $\frac{10}{20}$, *Bibl. Nat.* Fr. 15,915, fol. 258.

burnt Spanish galleys in the Bay of Biscay. Another French fleet had repulsed Spanish ships in the Gulf of Genoa. It was by no means improbable that before long a triumphant French Armada would sail up the Channel to join the Dutch in the long-projected attack upon Dunkirk. No wonder Charles looked with wondering bitterness upon the swelling tide of Richelieu's success. No wonder that he fancied that he saw the hand of Richelieu in the Scottish troubles. Everyone who wished well to Charles was anxious that those troubles might be allayed. Till peace were established in Scotland, England could speak with but a feeble voice on the Continent. "The news of Scotland," wrote Roe, "is mortal to our reputation abroad. I hope it is not so ill as malignity spreads it." [1]

With the opening of the New Year therefore, Charles had to face a Continental difficulty as well as a Scottish difficulty.

1639. Relation of the Scottish troubles to Continental politics.

Nothing would ever persuade him that the two were not far more closely connected than they really were. The Scottish resistance seemed to him so entirely incomprehensible, that he could not account for it, except on the supposition that Richelieu was at the bottom of the whole movement, stirring up rebellion in the North, in order to keep England from interfering on the Continent. In reality, Richelieu was doing nothing of the kind. Thoroughly convinced that Charles was rushing upon his own ruin, he did not think it worth while to interfere to stir the coals of an insurrection which was burning brightly enough without any aid from him. The very suspicion, however, was enough to increase Charles's anxieties. In one way or another, the Scottish troubles must be brought to an end, if his rule were not to become as despicable abroad as it was insecure at home.

Step by step, therefore, pushed on by fate, which is but the consequence of past errors, Charles moved slowly and unwillingly towards war. On January 15 Hamilton told, before the English Privy Council, the story of his bootless mission. The discussions which followed were long and anxious. Charles inclined to continue negotiation.

Jan. 15. Hamilton's relation.

[1] Roe to Coke, Dec. 14, *S. P. Germany.*

Disaffection, as he well knew, was widely spread in England, and any attempt to levy money would be met by redoubled outcries for a Parliament.[1] It little mattered what scheme of pacification might nebulously form itself in Charles's mind. Even before Hamilton's arrival, Sir Jacob Astley, a veteran who had served long in the Netherlands, was sent down to the North to muster the trained bands, and to bring them to due efficiency.[2] It was, indeed, officially stated that the object of these precautions was resistance to a possible invasion,[3] but it was hardly likely that such an announcement would be seriously believed. On January 17, the Committee on Scotch Affairs recommended the King to select from the trained bands a force of 30,000 men. It was arranged that the King should go to York in April, to treat or fight as occasion might serve, and that Newcastle and Hull should be placed in a state of defence.[4] Arms and munitions of war were brought over from the Continent in large quantities.

Jan. 17.

Men and arms alone were not enough. "If money is to be found, and the Puritans kept quiet," wrote a disinterested onlooker, "all will go well."[5] Whatever the Puritans might do at some future time, they showed no signs of stirring now. For the navy, of course, ship-money was still available; yet, either because the excitement roused by the result of Hampden's trial had alarmed the Court, or because, in view of the probability that money would be needed for land-service, it was thought wiser to decrease the burdens caused by the fleet as much as possible, no writ of ship-money was issued at the usual time in the autumn of 1638. When January came, the writs were indeed sent out,

Financial schemes.

Ship-money.

[1] Salvetti's *News-Letter*, Jan. $\frac{18}{28}$. Bellievre to De Noyers, Jan. $\frac{17}{27}$, *Aff. Étr.* xlvii. fol. 341, 351. Joachimi to the States-General, Jan. $\frac{19}{29}$, *Add. MSS.* 17,677 Q, fol. 10. Giustinian to the Doge, Jan. $\frac{18}{28}$, *Ven. Transcripts.*

[2] Astley to Windebank, Jan. 4, 11, *S. P. Dom.* ccccix. 24, 65.

[3] The King to the Lords-Lieutenant, Jan. 11, *ibid.* ccccix. 59.

[4] Minutes of the Committee, Jan. 17, *ibid.* ccccix. 106, 107.

[5] Salvetti's *News-Letter*, $\frac{\text{Jan. } 25}{\text{Feb. } 4}$.

but only 69,000*l.* was asked for: about a third of the amount levied in former years. It was calculated that this would be sufficient to fit out the eighteen vessels which it was proposed to despatch to the coast of Scotland under Pennington's command.[1]

It was less easy to find means for the equipment and payment of the army. Early in the year, calculations were made of the expense which would be entailed by the army of 30,000 men which it had been originally intended to place on the Borders. Such an army, it appeared, could only be maintained at the rate of 935,000*l.* a year.[2] So large an expenditure was beyond Charles's means, and he therefore resolved to content himself with a smaller force. One scheme there was which recommended itself as in some small measure an alleviation of the burden. By their feudal tenures, the nobility were bound to follow the King to war when his banner was displayed before him. It was true that many years had passed since the fulfilment of this duty had been required; but the King, who had replenished his exchequer by enforcing the antiquated obligation to take up knighthood, might very well replenish his army by enforcing the antiquated obligation to personal service. Every peer of the realm was therefore directed to appear in person in defence of the Borders, bringing with him such a following as his dignity required. It was gleefully calculated at Whitehall, that in this way the Royal camp would receive an accession of at least 1,200 horse without any payment whatever.[3]

Jan. 26. The nobility called on to serve.

The English force.

Early in February, orders were given for the levy of 6,000 foot and 1,000 horse, to form the nucleus of the larger force which was to gather round the Royal standard. To these were

[1] Order in Council, Jan. 23, *S. P. Dom.* ccccix. 194.

[2] *S. P. Dom.* ccccxv. 119. Mr. Hamilton dates this paper conjecturally in March. The project had been abandoned by that time, and it can hardly have been drawn up much later than the end of January. In his Preface he speaks erroneously of the number of 30,000 being that which actually marched.

[3] The King to Lord Grey of Werk, Jan. 26. Northumberland to Conway, Jan. 29, *S. P. Dom.* ccccx. 24, 80.

to be added 4,000 of the trained bands of Yorkshire, Durham, and Northumberland. Charles would thus, after taking account of the cavalry furnished by the nobility, have an army of about 12,000 men, disposable for service in the field. For garrison duty at Berwick the Earl of Lindsey was to bring 2,000 men from Lincolnshire, and the Earl of Cumberland was to command at Carlisle with a force of 800 soldiers, of whom 300 were to be supplied from Wentworth's Irish levies. A little army of 5,000 men from the eastern counties was to follow Hamilton on shipboard, that it might be landed at Aberdeen to join Huntly in the North. Taken altogether, the forces at the King's disposal might be reckoned as not far short of 20,000 men.[1]

February. Seven thousand men to be levied.

Such a force would probably have been insufficient for the work in hand, even if Charles had been assured of national support. Of this, however, there was no sign. The nobility, indeed, had either obeyed his summons, or, in cases of sickness or old age, had sent money in lieu of service. Wentworth, detained in Ireland by his official duties, had directed his steward to pay 2,000*l.* to the King as soon as he appeared in the North. The Catholic Marquis of Winchester sent 500*l.* On the other hand, the Puritan Lord Brooke, when summoned to attend the King, replied that he 'did not apprehend himself obliged to any aid of that nature but by Parliament.'[2] The equally Puritan Lord Saye returned a somewhat similar answer. The letter of the law was, however, clearly against them, and on second thoughts they expressed their readiness to attend his Majesty, at least within the realm of England.

Feeling in England.

For the army thus constituted it was necessary to provide commanders. The general-in-chief was to be the Earl of Arundel, the stately nobleman who had fared ill in his mission to Vienna, and who, as a Catholic by conviction, hated the

[1] The details will be found in the accounts of the Treasurer of the Army, *Audit Office Declared Accounts*, Bundle 301, Roll 1148. Hamilton's men are there given as 4,500. Hamilton himself reckons them at 5,000, perhaps counting officers, artillerymen, and supernumeraries.

[2] Minutes by Nicholas, Feb., *S. P. Dom.* cccxiii. 117.

Presbyterian Scots. The new commander had never looked on the face of war. It had been originally intended to confer the command of the horse upon the Earl of Essex, who had seen some service in the Netherlands.[1] The Queen, however, begged this post for her favourite, the Earl of Holland, the most incompetent of men, and Essex had to content himself with the less brilliant office of second in command of the entire army. The seeds of jealousy were thus sown before a single regiment was formed. Arundel vowed that he would throw up his command rather than see Holland in a post of such authority, and it was only upon the warm intercession of the King that he was induced to withdraw his resignation.[2]

Holland, General of the Horse, and Essex second in command.

Even if Charles should resolve on increasing his army beyond the limit originally fixed, it would leave much to be desired in point of training. A body of veterans, if such a body could be found, would form a nucleus round which the raw English levies would soon acquire the consistency of a disciplined force. Such veterans were to be found in Flanders, and as early as in the summer of 1638 a proposal had been made to the Spanish Government for the loan of a body of troops. On that occasion Cardenas had been instructed to refuse the request. So incurable was the distrust which Charles had sown around him, that Olivares feared lest a victory in Scotland might be followed by a league between England and France, in the same way that Richelieu feared lest it might be followed by a league between England and Spain.[3]

1638. Spanish soldiers asked for.

The scheme, dropped for a time, was revived a few months later. In January 1639, a certain Colonel Gage, a Catholic officer in the Spanish service, communicated to the English

[1] His service in the Palatinate, of which historians are fond of talking, was next to nothing.

[2] Northumberland to Wentworth, Jan. 29, *Strafford Letters*, ii. 276. The King to Arundel, Feb. 9, *S. P. Dom.* ccccxii. 74. Con to Barberini, Feb. $\frac{7}{17}$, *Aad. MSS.* 15,392, fol. 39.

[3] Philip IV. to Cardenas, Sept $\frac{3}{13}$, 1638, *Simancas MSS.* 2575.

Government his belief that the Cardinal Infant might be induced to supply Charles with a veteran force for his Scotch campaign, if he were allowed to raise from year to year a large number of recruits in England and Ireland by voluntary enlistment. A special emissary was accordingly sent to Brussels to carry on the negotiation. The Cardinal Infant received him politely, but assured him that, menaced as he was by French armies, he could not spare a single man.[1]

1639. January. Gage's proposal.

February. The Spaniards cannot be spared.

Charles was thus saved from the consequences of the most ruinous step which he had hitherto contemplated. It can hardly be doubted that if these Spanish regiments had set foot in England, the whole country from the Cheviots to the Land's End would have broken out into instant rebellion.

Trained and war-worn troops, the value of which had been thus recognised by Charles, were not wanting to Scotland. The very poverty of the Scots, through no prevision of their own, had made them strong. For many a year, a stream of needy, stalwart adventurers had been flowing over from Scotland into Germany to be converted into hardy warriors by Gustavus Adolphus and his lieutenants. Many a man had returned, bringing with him his share of the plunder of Germany, together with an enthusiasm for the Protestantism which had been to him a war cry leading to fortune, as well as a strengthening faith in the hour of peril. Small as the population of Scotland was, when the hour of battle came, she would be able to oppose to the loose ranks of untrained peasants which were all that Charles could bring into the field, an army which comprised at least a fair proportion of practised soldiers.

Scottish soldiers from the German War.

No special credit is due to the Covenanting leaders for being ready to make use of the instrument of war which circumstances had placed in their hands. But credit is due to

[1] Col. Gage to G. Gage, $\frac{\text{Jan. } 26}{\text{Feb. } 5}$. Instructions to Col. Gage, Feb. 5. Col. Gage to Windebank, Feb. $\frac{16}{26}$ G Gage to Windebank, $\frac{\text{Feb. } 23}{\text{March } 5}$, *Clarendon S. P.* ii. 21.

them for avoiding the fault into which a proud and high-spirited nobility is most apt to fall. Very early they resolved that no Rothes or Loudoun should contest, as Essex and Holland were contesting, for those posts of military trust to which they were unequal. The professional army of Scotland was to have a professional commander.

The command of the Scottish army.

The leader of whom they were in search was found in Alexander Leslie, an illegitimate son of a Fifeshire laird. Deformed in person, and of low stature, he had served with credit in the German wars, and, if he had not gained high renown as a strategist, he was skilled in the arts by which recruits are trained into soldiers, and posts are occupied and held. In the spring of 1638, when he was in command of a force in the Swedish service in Pomerania, he visited Scotland in order to fetch away his wife and family. On his way he was presented to the King in London, and told Roe that, if his present masters could spare him, he would be happy to undertake the command of the army which it was at that time proposed to raise for the Elector Palatine.[1] Thrown into the midst of the excitement then spreading over his native country, he may even in the spring of 1638 have seen his way to a position which promised more than the service of the feeble Charles Lewis. It is not probable that he was himself very enthusiastic in the cause of the Covenant, or in any other cause whatever. For that very reason he was the better fitted to take the command of an army in which there were many enthusiasts. No doubt he entered into communication with Rothes, the head of the family of Leslie; and, whether any actual offer of command were made to him at this time or not, Rothes was not likely to forget so useful a kinsman.

Alexander Leslie.

1638. April. His visit to Scotland.

Leslie returned to the Continent. Before the end of the year he was again in Scotland, after slipping through the watch

[1] Roe to Elizabeth, March 22; Elizabeth to Roe, April 2, *S. P. Germany*; Zonca to the Doge, April 6, *Ven. Transcripts, R. O.* This puts an end to the story which has been copied from Spalding by most writers, that Leslie came home with the intention of settling in Scotland. On the fable of his inability to write, see Masson's *Life of Milton*, ii. 55.

of the English cruisers in a small barque. He was able to gladden the hearts of his fellow-countrymen by the announcement that he had induced large numbers of Scots arriving in Germany to take the Covenant, and that he had procured large stores of military supplies for the use of the Scottish army at home.[1] From time to time arms and powder were conveyed across the sea. Some of these supplies were intercepted by Charles's agents, but the greater part was safely landed. Soon after the conclusion of the sittings of the Assembly of Glasgow, Leslie was invested with the rank of general. Active preparations for defence were made on every side. "We are busy," wrote a Scotchman in February, "preaching, praying, and drilling; could his Majesty and his subjects in England come hither, they will find a harder welcome than before, unless we be made quit of the bishops."[2]

November. Returns to Scotland.

1639. February. Takes the command.

On February 14, the Covenanters brought matters to a crisis. They appealed from the King to the English people. They were loyal, they said, to their sovereign, and most anxious to remain on good terms with their brethren in the South. All the mischief which had happened had been the fault of some 'Churchmen of the greatest power in England.' These men had introduced innovations into their own Church, had fined and banished those who strove to resist the Church of Rome, and had finally interfered with the Scottish Church in order to create a precedent for similar work in England. Was the English nation willing to fight in such a cause? Already Papists—Arundel, whose secret convictions were well known, was clearly pointed out—were placed in command of the army preparing against Scotland. If war there was to be, it would be war for the re-establishment of the bishops. If an English Parliament were convened, it would approve the equity and loyalty of the Scots.[3]

Feb. 14. The Scottish manifesto.

Charles was stung to the quick. The appeal to an English

[1] *Baillie*, i. 111.

[2] Craig to Stewart, Feb. 12, *S. P. Dom.* ccccxii. 103.

[3] *Rushworth*, ii. 798.

Parliament was specially annoying, and the assertion that he was showing undue favour to the Catholics would be widely circulated in England. He had long been contending against the belief that Laud was a friend of the Papacy in disguise, and, in order to refute it, he had recently directed the Archbishop to publish his narrative of the Conference in which, fifteen years before, he had upheld the doctrines of the English Church against the Jesuit Fisher. The book appeared on February 10, only to be received with jeers by Catholic and Puritan.[1] Laud could no longer count upon equitable consideration. At this very moment he was exposing himself to fresh obloquy by an unwise Star Chamber prosecution, directed against his old antagonist, Bishop Williams. Certain letters, written by a schoolmaster named Osbaldiston, were found in Williams's house at Buckden. In these letters an unnamed personage was irreverently styled 'the little urchin,' and 'the little meddling hocus-pocus.' There can be no reasonable doubt that Laud was intended. Williams suggested that the words referred to one Mr. Spicer. Williams was, however, condemned to pay a fine of 5,000*l.* to the King, and 3,000*l.* to the Archbishop, for having these letters in his possession. Osbaldiston, who was present in Court, slipped away as soon as he heard how matters were likely to go, and eluded all pursuit. He left behind him a written explanation that he had fled beyond Canterbury.[2]

Charles's resentment.

Feb. 10. Publication of Laud's *Conference with Fisher.*

Feb. 14. Williams again before the Star Chamber.

Charles was able to fine and imprison his English subjects. The Scots were beyond his reach. On February 27 he published a proclamation in reply to the Scottish manifesto. It was untrue, he said in effect, that the religion of Scotland was attacked. It was perfectly safe in his hands. The Scots were aiming at the destruction of monarchical government. They had been tampering with his English subjects, and were now preparing to invade Eng-

Feb. 27. The King's proclamation.

[1] Laud's Diary, Feb. 10, *Works*, iii. 231. Con to Barberini, Feb. 22.–March 4, *Add. MSS.* 15,392, fol. 52.

[2] *Rushworth*, ii 803.

land, in order that their leaders might repair their broken fortunes by the plunder of the South.[1] If he was now compelled to levy an army, it was not merely to vindicate his rights in Scotland. The very safety of England was at stake. "The question," he said, "is not now whether a Service Book is to be received or not, nor whether episcopal government shall be continued or presbyterial admitted, but whether we are their King or not." This proclamation was appointed to be read in every parish church in England.[2] It was speedily followed by the *Large Declaration*, as it was called, a portly volume in which the whole story of the misdeeds of the Scots was set forth at length from the King's point of view. The writer, a Scotchman, named Dr. Balcanqual, had accompanied Hamilton to Glasgow as his chaplain. He now received the Deanery of Durham as the reward of his advocacy.

The *Large Declaration.*

In one point, at least, Charles was undoubtedly right. The coming war would be a struggle for supremacy. Monarchy, as it had been hitherto understood, was now challenged by the principle of national sovereignty clothed in ecclesiastical forms. The issue thus raised could hardly be fought out in Scotland alone. As the Scottish manifesto declared, the future of England was involved in the strife which was now opening in the North.[3]

Character of the struggle.

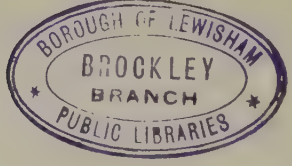
[1] Charles had said much the same thing of Eliot, when he described him as 'an outlaw desperate in mind and fortune.'

[2] *Rushworth*, ii. 830.

[3] Amongst the *Melbourne MSS.* is a letter, dated Feb. 20, from Argyle, and apparently addressed to Laud, in which the writer attempts to minimise the differences between them. "Although," he says, "I do not undertake to excuse anything His Majesty is pleased to disallow, yet with your lordship's favour, I believe you shall find that the complaints of that presbytery your lordship mentions, which we call our Church or General Assembly, is concerning very essential differences between the Reformed Church and that of Rome; and so far only against bishops as they transgress the laws and lawful constitutions of this Church and kingdom; for whether or not there be a fundamental point in religion is not here questioned nor determined: nor what is fundamental *exclusivé* do I think any man will presume to define, so as it may be a sufficient rule for others."

Farther on, Argyle complains that his countrymen are accused of disobedience, 'when truly they only oppose voluntary and constrained actions in religious duties in relation to him who requires cheerfulness at our hands, which I hope no Christian will deny?'

In the last passage Argyle goes, from a modern point of view, to the root of the matter. He ends with a stroke at Laud's interference. "So," he writes, "I wish your Lordship and all others of the reformed Church (not knowing the constitutions of this) were as charitable to it, and meddled as little in disquieting her peace as, I hope, they have carefully prevented that fault by their proceedings here."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